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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 12, 2002.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

BORN-ALIVE INFANTS PROTECTION ACT

Mr. STEARNS. Mr. Speaker, the question I am addressing today concerns Federal policy on when life becomes worthy of recognition and protection. We will have a bill on the floor today, H.R. 2175, the Born-Alive Infants Protection Act; and I am here to advocate its passage, which specifically addresses this policy.

Lately, we can find stories in the news that point up some inconsistencies occurring when individuals, in-

stitutions, and policymakers define not just when life begins, but when it becomes worthy of protection. For example, last month the administration announced that a developing fetus should be eligible for the S-CHIP program of government-funded health insurance for low-income children. Then last week, surgeons performed delicate cardiac surgery on the grape-sized heart of a 23-week-old fetus. Finally, in other news, many pregnant widows of fallen husbands in the September 11 terrorist attack are receiving compensation for their yet unborn child. It seems the States of Virginia and New York recognize a fetus as a surviving dependent, while today in Congress, we debate the status of a baby who has already been delivered outside of his or her mother's womb. In all of these examples, in fact, the fetus is recognized as worthy of protection, while here we debate over protecting an already born baby. Obviously, this bill is necessary. These are living babies who must be protected.

In the midst of all of this, there are some who advocate a policy we find questionable here in Congress. For example, consider Peter Singer, professor of bioethics at the University Center for Human Values at Princeton University. According to the Washington Times, in his 2000 book, "Writings on an Ethical Life," he discusses how some societies consider it virtuous to kill handicapped newborns. Professor Singer writes, "If we can put aside these emotionally moving but strictly irrelevant aspects of killing the baby, we can see that the grounds for not killing persons do not apply to newborn infants." This is disturbing language. More illustratively, in a Committee on the Judiciary July 20, 2000, hearing, we learned from registered nurses Jill Stanek and Allison Baker that the hospital at which these women worked, Advocate Christ Hospital in Oak Lawn, Illinois, has a written policy outlining procedures to per-

form when a child is unwanted. Christ Hospital calls it "induced labor abortions."

Now, according to the July 20, 2000, testimony of Nurse Stanek, physicians willfully, prematurely induce labor with the intention of delivering a not yet viable child; but if the baby is born alive, he or she is simply left to die. A nurse might take it to what they call a "comfort room" where it does die.

According to Princeton University President Harold Shapiro's statement in the Princeton Weekly Bulletin on December 7, 1998, Professor Singer, in a letter of his own to the Wall Street Journal, notes that significant advances in medical technology require us to think in new ways about how we should make critical medical decisions about life and death. Professor Singer wrote that "our increased medical powers mean that we can no longer run away from the question by pretending that we are 'allowing nature to take its course.' In a modern intensive care unit, it is doctors, not nature, who make the decisions." However, I fail to see how this hospital can shrug it off, innocently claiming nature is taking its course by letting prematurely delivered infants die when it was a medical intervention of physicians that induced his or her birth.

Mr. Speaker, H.R. 2175, the Born-Alive Infant Protection Act, firmly establishes that an infant who is completely expelled or extracted from his or her mother and who is alive is considered a person for purposes of Federal law. For those who exclaim this is an "assault" on Roe v. Wade, this bill does not touch Roe v. Wade, which clearly pertains to a fetus in the uterus, not a baby already expelled outside his or her mother. For those who say this legislation is not needed because many States already have these laws on the books, I point to Christ Advocate Hospital where this still is occurring, and to other hospitals and other people like

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Professor Singer who may continue to uphold this concept.

As an original cosponsor of this bill, I ask that this Chamber swiftly pass this piece of legislation. I am dismayed that we need it; but protecting the legal status of a baby who is already born is the logical, humane course for America to take.

THE BUDGET REVERSAL

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Missouri (Mr. GEPHARDT) is recognized during morning hour debates for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge a debate about the budget and Social Security. Tomorrow Republicans mark up their budget in committee. Next week they put it on the floor for consideration. Their budget will reveal the following facts: Republicans spent \$4 trillion in surplus funds. They created deficits as far as the eye can see. They drained \$2 trillion from Social Security, breaking promises made repeatedly to safeguard these funds. Their policies reversed 8 years of progress. Their budgets brought a historic reversal that impacts people's lives.

Fifteen months ago, unemployment was under 4 percent. We were having serious discussions about what we were going to do with this huge and mounting surplus. How much should we save for Social Security? How much should we put into Medicare? How much should we invest in a prescription drug program? Should we put more money in education? Should we pay down more debt? And there were many who said that we could do all of it because the surplus was so enormous.

So where are we today, March 12, 2002? We are not discussing what to do with the surplus. The surplus is just about gone. Today we are having that tired, troubled discussion we had for much of the last 20 years: What are we going to do about the deficit? How are we going to save Social Security? What are we going to do to save Medicare? And how are we going to take care of health insurance for the unemployed?

This is a Republican budget that breaks promises made over and over in the last 3 years to protect Social Security. It fails to keep our intergenerational contract and commitment. It threatens the retirement security of millions of baby boomers. In the aftermath of Enron, it is the height of irresponsibility.

Five times, Republicans put bills on this floor to create Social Security lock boxes. They voted five times to make the trust fund for Social Security inviolate. They voted five times to save Social Security first. Yet, they put forward a budget that jeopardizes Social Security just as the baby boomers are about to retire. Their budget spends the Medicare surplus in each of the next 10 years. It makes a

meaningful Medicare prescription drug program impossible. It reduces our commitment to public education, and it cuts programs promoting clean air and water that makes a difference in children's lives.

This is not a debate in the end about the budget. It is a debate about integrity, and it is a debate about responsibility. It is a debate about the values we want guiding our budget decisions.

What are our values? In this budget, our values call for keeping our commitments by saving Social Security first. Our values call for adding a real prescription benefit to Medicare, where it belongs. Our values call for making every public school a great and successful public school. Our values call for paying the Federal debt down. Our values call for cutting taxes in order to promote long-term economic growth and opportunity.

I will never forget 1993. We balanced the budget. We made tough choices because we believed in opportunity, responsibility, and community. We put that plan together using the right values.

So I urge Republicans, let us pass a budget that invests in national security, homeland defense, education, prescription drugs and our environment, and keeps Social Security sound and puts the Nation back on the path to fiscal health. Let us have an economic growth summit to reach the goals we all share. Let us get about keeping our commitments. Let us get about saving Social Security first and doing it beginning today.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, clearly, this administration and the Congress have done a good job at tackling the issue of terrorism, but there are many other important issues which need our attention, and one of these is Social Security.

Last May, this administration was giving us a different message on Social Security. We were told we could have a tax cut, save the Social Security surpluses, pay down the debt, and fund other urgent national priorities. Today, we are in a far different situation. We are not saving any of the surpluses; in fact, we are spending them. Mr. Speaker, \$1.5 trillion over 10 years of Social Security surpluses are going to be spent under the current budget plans. We are not paying down the debt. We are, in fact, increasing the debt, unlike the predictions that were made. Plans are under way to increase the national debt ceiling, so we are headed into more debt, rather than as it was promised earlier we were going to be out of debt in 10 years.

Why is the erasing the debt important? It is important because by paying

down debt, we are freeing up resources to help save Social Security.

At points in our history in dealing with this debt, 25 cents of every tax dollar that comes in has been spent on just servicing the debt. So if we lower that debt amount, that 25 cents, then we are freeing up resources, current resources that are coming in to protect Social Security. That means we are going to have Social Security there for the long term.

Last year, all of us repeatedly promised to protect the Social Security and Medicare trust fund surpluses and promoted a series of lock box proposals as evidence of their commitment. Now, however, this administration's budget diverts \$1.5 trillion of the Social Security Trust Fund surpluses for day-to-day government operations for the next 10 years and beyond.

□ 1245

Even taking the administration's optimistic numbers at face value, according to the CBO this administration's budget spends hundreds of billions of dollars from the Social Security trust fund.

Moreover, the Social Security surpluses that the budget depletes are needed to finance the benefits promised under existing law. Strengthening these programs to prepare for the baby boom's retirement or adding even the administration's inadequate prescription drug benefit requires resources outside of these surpluses. Since the budget does not provide such resources, these programs will require benefit cuts or even more borrowing to remain sound for the long term, as noted in the recent report of the President's hand-picked Social Security Commission.

The administration proposes a budget with a \$1.5 trillion on-budget deficit over the next 10 years. Two weeks ago, the Congressional Budget Office confirmed that the enacted tax cut was the largest single factor in the \$4 trillion deterioration of the budget. Now, the administration proposes to undermine the fiscal outlook with about an additional \$600 billion in tax cuts. Every penny of these additional tax cuts comes out of Social Security and Medicare trust fund surpluses.

In addition to this assault on the Social Security surplus, the Social Security Commission marks further danger to this highly successful program. To nobody's surprise, the commission is a strong advocate to create individually controlled, voluntary personal retirement accounts.

I supported the establishment of USA accounts, which would exist as a separate retirement vehicle outside of Social Security and would include Federal matching funds to encourage Americans to save. However, this administration's plan, through this commission, would divert \$1 trillion out of the Social Security system and into private accounts. This will double Social Security's shortfall and deplete

the trust fund by 2003, 15 years earlier than currently projected.

Moreover, under President Bush's plan, seniors will be forced to rely on private accounts that rise and fall with the stock market, thereby leaving their retirement security vulnerable to fluctuations in the market.

This program is too important to gamble with a volatile stock market, and Social Security must continue to be a vital safety net in the future. We must do everything possible to ensure it survives to provide benefits for all Americans.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, to my great disappointment, President Bush, with the assistance of the gentleman from Texas (Mr. ARMEY) and other Republicans, are promoting Social Security privatization. This includes replacing all or part of the current Social Security program with a system of individual retirement accounts which diverts funds from Social Security, and thus transfers investment risks from a pool of all workers to the individual.

All of the evidence shows that plans that allow people to divert part of their payroll taxes into private accounts makes Social Security's financing problems worse, not better. If some of the funds coming into Social Security over the next 75 years are diverted away from the program and into private accounts, then even more funds will be needed to pay for future Social Security benefits.

For example, if 2 percentage points of the current 12.4 percent payroll tax were diverted into private accounts, then the Social Security trust funds would be exhausted in 2024, 14 years earlier than is now expected. In short, if funds are diverted away from the Social Security program as it currently exists, the changes that are already needed to return Social Security to fiscal soundness will have to be more severe.

Mr. Speaker, Congress really should strengthen and protect a guaranteed benefit for seniors, for survivors, and for those with disabilities. Today, individual benefits are dependable and determined by law, not the whims of the stock market. This guarantee must not be changed, and Social Security must not, under any circumstances, be privatized.

Mr. Speaker, I would like to highlight that the Republican budget uses Social Security to pay for large corporate tax breaks. For example, there are 136,559 American workers earning \$30,000 a year who are paying 6.2 percent in FICA taxes. This money goes into the Social Security trust fund, from which the Republicans have now

diverted, in the budget, \$254 million in tax breaks to Enron; and that is Enron, I am talking about.

Now, we know that Enron is bankrupt. Does that mean that the corporate tax break goes back to the trust fund where it belongs? No, not at all. It will go to other corporations instead. By using the Social Security trust fund to finance corporate tax breaks, Republicans are breaking the promise that the government makes to working families.

Mr. Speaker, Social Security will continue to run an annual surplus this year and for the next 14 years. The program is solvent until 2037, at which point the trust fund will be exhausted and incoming revenues will meet only about three-quarters of benefit obligations.

But privatization is sure to harm only the solvency of Social Security, which will mean that the current and future beneficiaries would face benefit cuts, survivors and the disabled would lose their secure pensions, and the retirement age would have to increase. Overall, the Social Security system that our seniors have depended on for over 65 years would quickly erode away.

Mr. Speaker, I do not think that the American people realize what the effect of this Republican privatization proposal means. It means that it is going to be more difficult for Social Security to remain solvent over a longer period of time, and with these kinds of benefit cuts and increases in the age for eligibility, all these things will result from this Republican privatization proposal that they have put out there.

It is amazing to me that they continue to talk about it, they want to bring it up in committee, and they want to bring it to the floor. I think ultimately their goal, obviously, will be to destroy Social Security. I want to stress, as a Democrat, that Democrats are not going to stand for throwing away Social Security. The American people should not stand for it.

Democrats are going to be talking about this crazy privatization proposal by the Republicans for many days because we do not want it to happen, and we feel it is very important that we shed light on what is really going on here and what the Republicans have in mind with privatizing Social Security.

SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized during morning hour debates for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, we could have no higher goal than to protect and improve the financial security of retirees, survivors, dependents, and disabled workers.

For 67 years, Social Security has been the bedrock of that security.

Nearly 46 million people living in one out of every four households in this country today receive monthly benefits from Social Security. Social Security provides critical insurance protections against the future loss of income due to retirement, death, or disability for 96 percent of all workers, their spouses, and their children. Social Security provides over half of the total income for the average elderly household.

For one-third of women over age 65, Social Security represents 90 percent of their total income. Without this program, half of older women in this country would be living in poverty.

It is our responsibility to ensure that the Social Security program guarantee is here today, tomorrow, and for generations to come. It is our job, as elected officials, to enact the policies needed to maintain that guarantee and to reject policies that undermine Social Security; it is not our job to spend taxpayer dollars to send out worthless paper certificates designed to provide a false sense of security to American seniors and their families. We should not be engaged in a public relations campaign, but rather in a serious policy discussion that lets us debate how best to continue the Social Security commitment, to guarantee lifelong and inflation-proof benefits.

I understand why the Republican leadership may want to delay that debate until after the next election. I can understand why they want to distance themselves from recent history.

First, there is the budget record. Despite all the rhetoric about putting Social Security revenues in a lockbox, the lock to that box has been picked by Republican budgets. It is true that the lockbox resolution passed in the House provided certain exceptions, such as war or recession, but it is not true that one of those exceptions was providing tax breaks to the wealthy. The Congressional Budget Office has indicated that the single largest factor in the disappearing budget surplus is last year's tax cut.

As Members know, the Congressional Budget Office has estimated that even without new taxes or spending, we will take \$900 billion from the Social Security trust fund over the next 9 years. Now President Bush is proposing new tax cuts of \$675 billion over 10 years and \$343 billion to make last year's tax cuts permanent, most of which go to the wealthiest, money that will come out of Social Security and Medicare.

The Bush budget proposes to take \$553 billion of the Medicare surplus and \$1.5 trillion of the Social Security surplus over the next decade, and I doubt that any certificate will assure senior citizens that Social Security solvency is a priority, given those figures.

Second, there are those unfortunate statements by Treasury Secretary O'Neill.

Last May, in an interview with the Financial Times, Secretary O'Neill stated that "Able-bodied adults should save enough on a regular basis so they

can provide for their own retirement and, for that matter, health and medical needs." In July, Secretary O'Neill stated that "The Social Security trust fund does not consist of real economic assets."

Again, it is hard to argue that those are ringing endorsements of Social Security. If the Treasury Secretary believes that the assets in the trust fund are just worthless paper, why should Social Security beneficiaries have any faith in a certificate or in an administration to protect their best interests?

Most important, there is the President's Commission on Social Security. All of those appointed to the Commission last May were supporters of privatization, which may explain why none of those appointed to the Commission last May represented recognized senior, disability, women's, or minority organizations.

The three plans put forth by the Commission last December all include variations on the privatization theme. All the plans would jeopardize the Social Security guarantee in one way or another. Privatization would drain between \$1 trillion and \$1.5 trillion from the Social Security trust fund over the next decade alone. Privatization would shorten the life of the trust fund. One plan would increase the long-term Social Security deficit by 25 percent. Another tries to deal with the deficit by transferring \$6 trillion from the U.S. Treasury between 2021 and 2054 to make up the deficit.

Taking general revenues might help Social Security, but it would also eliminate resources necessary for Medicare, Medicaid, the Older Americans Act, job training, education, and other essential programs.

Privatization would jeopardize benefits to current and future beneficiaries. One of the Commission's proposals would cut benefits for future retirees by calculating initial benefits on the basis of growth in CPI rather than wages, which would greatly reduce the standard of living. Privatization would force workers to work longer in order to maintain benefits.

What we should be doing is rejecting privatization of Social Security. We should be working to strengthen it, and we should be strengthening Social Security, not privatizing it.

THE PRESIDENT'S NEW NUCLEAR POSTURE PAPER: HOW MANY THINGS CAN WE FIND WRONG WITH THIS PICTURE?

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, this new nuclear posture paper that the Bush administration has presented itself, from the Pentagon to the President, looks like an entry in a contest as to how many things can we find wrong with this picture.

To begin, most shockingly, it proposes to reduce the barrier that has long existed against the use of nuclear weapons. It proposes that we consider using nuclear weapons against non-nuclear nations. It proposes using nuclear weapons in a variety of ways previously un contemplated, or at least not advocated in our policy.

There are several things, of course, wrong with that. In the first place, any American policy of trying to discourage other countries to develop nuclear weapons could not be more seriously undermined by anything we do.

□ 1300

The town drunk is not going to be very credible preaching temperance, and having America threaten a more promiscuous use of nuclear weapons makes no sense whatsoever. If, in fact, the policy were to be carried out, it would, of course, add greatly to the billions that would be spent in development of these newer weapons to be used in new situations, further straining our ability to meet important domestic needs. It could very well mean a violation of the proposal of the nuclear test ban treaty and of our, up until now, policy of not testing.

Reducing the psychological, physical, strategic barrier to the use of nuclear weapons is a very, very poor policy; but there is a silver lining. As with the proposal to have the Pentagon lie to us and others, as with the proposal to use military tribunals in place of the American domestic courts, as the Attorney General once suggested, we are now being told, well, never mind.

The Pentagon has developed a very interesting approach and the Bush administration with it. This is the third time we have seen very, very extreme proposals which when they encounter resistance we are told we should not have paid a great deal of attention to.

I am unpersuaded that the proposals were not meant in the first place. I am pleased in the face of the very wide and very thoughtful criticism that these proposals have brought forth the administration backs down; but we cannot be sure that they have totally disappeared and of all of the proposals this suggestion, more than a suggestion, this policy review urging more use of nuclear weapons in more situations against more countries is really quite frightening.

The President has justly commanded virtually unanimous support in the United States in his defense of America against terrorism. It cannot be in our interests for him to raise serious questions about his judgment in other strategic areas.

It is important that this policy not simply be characterized as a mere option but, in fact, repudiated thoroughly. There cannot be continuing suggestion, even more than a suggestion, that the United States contemplates this sort of use of nuclear weapons. Its impact on our alliances will be corrosive. It will have a nega-

tive, rather than a positive, effect on our ability to persuade even those countries to which we are opposed to respond in sensible ways.

The President's effort to work out some kind of role with Russia is undermined by this and particularly by the suggestion when he says he is going to take some nuclear weapons down, he simply means putting them in another place. This clearly undermines our efforts to reach agreement with China, with Russia and with a whole range of other countries; and it is a very embarrassing episode for the United States. I am pleased that the administration now appears to be backtracking, but it is important that we make sure that this one does not rise again.

Mr. Speaker, I would like to insert into the RECORD at this point some very good discussions of the absolute fallacy of this proposal, today's editorial from the New York Times, "America as Nuclear Rogue"; today's editorial from the Boston Globe, "A Twisted Posture"; and a very good article in today's Boston Globe by the writer Thomas Oliphant entitled, "Bush's Stealth Policy on Nuclear Arms."

I hope, Mr. Speaker, that this is the last time the Pentagon is going to play this game of putting forward something that is so demoralizing that it has to be withdrawn. We would be much better if these kinds of grave errors were not made in the first place.

[From the Boston Globe, Mar. 12, 2002]

BUSH'S STEALTH POLICY ON N-ARMS

(By Thomas Oliphant)

WASHINGTON.—It is not simply the fresh list of countries that the United States is willing to consider nuking someday.

What is truly significant—as well as stupid, scary, and outrageous—is the almost casual breaking of long-standing policy taboos about the unthinkable and the implications of this cavalier attitude for relations with the rest of the world and for future arms races.

The Russians and Chinese already know the United States is unilaterally departing from the 1972 treaty effectively banning missile defense systems. Now the world has reason to doubt the American commitment to the 1974 treaty to guard against nuclear proliferation as well as the honesty and good will of Bush administration "pledges" to cut back our post-Cold War nuclear arsenal and to maintain a moratorium on testing.

The cover story the administration sought to peddle on last weekend's TV talk shows—via Secretary of State Colin Powell and National Security Adviser Condoleezza Rice—is that contingency plans to target Syria, Libya, Iran, Iraq, North Korea, Russia, and China are more theoretical exercises than serious policy work and that no special notice need be taken.

The cover story is belied by actual intentions as revealed to Congress in a freshly completed Nuclear Posture Review and in the very faint, fine print of the recently unveiled Bush budget. Over the weekend the headline-making list of countries leaked from Capitol Hill, but as part of a leak of the underlying policy document that began four weeks ago.

On Feb. 13, the Natural Resources Defense Council—well-known for its thorough, documented research—put out the first detailed

summary of the posture review that had been ordered by Congress in late 2000 and of a special briefing the Defense Department has conducted on the document—without the secret list of countries.

At the time, no one really noticed. With the addition of the countries, The Los Angeles Times got noticed. Here's the council's highly critical but accurate summary view four weeks ago:

"Behind the administration's rhetorical mask of post-Cold War restraint lie expansive plans to revitalize U.S. nuclear forces and all the elements that support them, within a so-called 'New Triad' of capabilities that combine nuclear and conventional offensive strikes with missile defenses and nuclear weapons infrastructure."

If the basic purpose of nuclear weapons since the end of World War II had been to prevent their use and proliferation, the deadly serious review by the Bush administration—with the force plans and massive spending as accompaniments—results in a doctrine that contemplates their use and appears indifferent to their proliferation.

Numbers tell a large chunk of the story. When the administration's intention unilaterally to abrogate the ABM treaty was made known, President Bush made much of a supposed intention to reduce its supply of deployed warheads from roughly 8,000 to below 4,000 in 2007 and eventually to between 1,700 and 2,200.

What the posture review actually reveals is a plan to cut "immediate force requirements" for "operationally deployed forces." What's going on here is more a change of terms than in posture, hidden by a new, gobbledegook accounting system that the council properly declared "worthy of Enron."

Behind the clearly visible nuclear inventory, the council found a "huge, hidden arsenal." It included, but no longer "counted," warheads on two Trident submarines being overhauled at all times, as well as 160 more now listed as "spare." It included nearly 5,000 intact warheads now in a status called "inactive reserve," not to mention a few thousand more bombs and cruise missile warheads as part of a new "responsive force." And on top of that there is to be a stockpile of weapons-grade plutonium and other components from which thousands more weapons could be assembled quickly. Extrapolating the information, the Defense Council estimated that the United States would have a total of 10,590 warheads at the end of 2006, compared with 10,656 this year.

And there's more. The administration's posture review also discloses plans to greatly expand the nuclear war infrastructure and to prepare for a resumption of testing, in part to make possible a new generation of warheads that could penetrate deep into the ground.

The rules of the nuclear road from the U.S. perspective have never included a flat-out promise never to be the first combatant to resort to nuclear war. During the Cold War, the United States was always prepared to go nuclear to stop a massive, conventional attack from the east in Europe, and before the Gulf War, Saddam Hussein got a stern message that all bets were off if he used chemical or biological weapons.

But this is different. This is a plan to use nukes in conventional war-fighting and to maintain a Cold War-sized arsenal by stealth and deception. It is disgraceful.

[From the New York Times, Mar. 12, 2002]

AMERICA AS NUCLEAR ROGUE

If another country were planning to develop a new nuclear weapon and contemplating pre-emptive strikes against a list of non-nuclear powers, Washington would

rightly label that nation a dangerous rogue state. Yet such is the course recommended to President Bush by a new Pentagon planning paper that became public last weekend. Mr. Bush needs to send that document back to its authors and ask for a new version less menacing to the security of future American generations.

The paper, the Nuclear Posture Review, proposes lowering the overall number of nuclear warheads, but widens the circumstances thought to justify a possible nuclear response and expands the list of countries considered potential nuclear targets. It envisions, for example, an American president threatening nuclear retaliation in case of "an Iraqi attack on Israel or its neighbors, or a North Korean attack on South Korea or a military confrontation over the status of Taiwan."

In a world where numerous countries are developing nuclear, biological and chemical weapons, it is quite right that America retain a credible nuclear deterrent. Where the Pentagon review goes very wrong is in lowering the threshold for using nuclear weapons and in undermining the effectiveness of the Nuclear Nonproliferation Treaty.

The treaty, long America's main tool for discouraging non-nuclear countries from developing nuclear weapons, is backed by promises that as long as signatories stay non-nuclear and avoid combat alongside a nuclear ally, they will not be attacked with nuclear weapons. If the Pentagon proposals become American policy, that promise would be withdrawn and countries could conclude that they have no motive to stay non-nuclear. In fact, they may well decide they need nuclear weapons to avoid nuclear attack.

The review also calls for the United States to develop a new nuclear warhead designed to blow up deep underground bunkers. Adding a new weapon to America's nuclear arsenal would normally require a resumption of nuclear testing, ending the voluntary moratorium on such tests that now helps restrain the nuclear weapons programs of countries like North Korea and Iran.

Since the dawn of the nuclear age, American military planners have had to factor these enormously destructive weapons into their calculations. Their behavior has been tempered by the belief, shared by most thoughtful Americans, that the weapons should be used only when the nation's most basic interest or national survival is at risk, and that the unrestrained use of nuclear weapons in war could end life on earth as we know it. Nuclear weapons are not just another part of the military arsenal. They are different, and lowering the threshold for their use is reckless folly.

[From the Boston Globe, Mar. 12, 2002]

A TWISTED POSTURE

The Bush administration's classified new Nuclear Posture Review, presented to Congress in early January and leaked this month to the Los Angeles Times, proposes new departures in the nation's military planning that are questionable at best and, at worst, truly dangerous and destabilizing.

The Nuclear Posture Review, signed by Secretary of Defense Donald Rumsfeld, amounts to a blueprint for undertaking what Joseph Cirincione, director of the Non-Proliferation Center at the Carnegie Endowment, calls "a major expansion of the role of nuclear weapons in US military policy." The new posture calls for new nuclear weapons, new missions and uses for those weapons, and a readiness to resume nuclear testing.

These are among the changes in US nuclear doctrine that make the leaked review dangerous. The hawkish proponents of these

changes were lobbying for mininukes and deep-penetrating bunker-busters well before the terrorist attacks of Sept. 11. They were also proposing resumed nuclear testing before that nightmarish atrocity. The reality, however, is that nothing in the Nuclear Posture Review would be likely to deter or counter the threat from terrorists sharing Osama bin Laden's demented notion of a holy war against America.

The review threatens to become destabilizing—and therefore to expand rather than reduce American security risks—because it recommends a lowering of the threshold for the use of nuclear weapons. Until now, America's nuclear arsenal was plainly meant only to deter other nuclear powers—principally the defunct Soviet Union—from using against the United States or from invading Western Europe.

Now those limits on the envisaged uses of nuclear weapons are to be abandoned. The new posture recommends that nuclear weapons "could be employed against targets able to withstand nuclear attack," in response to another country's use of chemical, biological, or nuclear weapons, and "in the event of surprising military developments."

If America, with its enormous technological and military advantages, says it is willing to resort to nuclear weapons under such vague conditions, what might nuclear states such as India and Pakistan be willing to do? And if the Pentagon conducts new tests of smaller, more usable nuclear warheads, why would India, Pakistan, and China not follow suit, ending the current suspension of nuclear tests and provoking a nuclear arms race?

The Pentagon's plan for enhancing "nuclear capability" and lowering the barrier against the use of nuclear weapons holds little hope of deterring new threats from terrorists or being able to eradicate Saddam Hussein's bioweapons, but it does increase the risk that nuclear weapons will be used in war. It should be revised to preserve the purely deterrent uses of nuclear weapons.

RECESS

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Reverend Dr. David F. Russell, National Chaplain, American Legion, Spotsylvania, Virginia, offered the following prayer:

Our dear most gracious Heavenly Father, in whom we put our trust, we humbly thank You for this avenue of prayer in which we may come on behalf of this legislative body of government. We ask that You grant wisdom for all those who gather in this assembly that they, in turn, always act in the best interest of this Nation and its people whom they represent.

Give them a desire, Sir, to seek Your divine guidance and direction in all their deliberations. Reach deep into their innermost emotion and intellect to bring them together in unity and act as one. Enable them to set aside personal desires to see Your divine will and way for this great Nation.

May they, and we, always be mindful, the future of our Nation, our lives, our very being rests in Thy eternal hands.

Bring them together in a spirit of humility and love for Thee and these United States of America.

We pray these petitions in Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. Pence led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORT BORN-ALIVE INFANTS PROTECTION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that the Almighty sets before us blessings and curses, life and death, and that we are to choose life so that we and our children might live.

This week on this floor, in this Chamber, in this country, our Congress will have the opportunity to say "yes" to life by supporting the Born-Alive Infants Protection Act.

In this act, we essentially firmly state that a child that is extracted from the womb and is alive is a person under the law entitled to all of the due process protections of our Constitution. Many may believe that this legislation is unnecessarily divisive and not required. But according to testimony before the Subcommittee on the Constitution, two nurses testified, Mrs. Stanek and Mrs. Baker from the Christ Hospital in Illinois, that in their hospital there are abortion practices that include inducing labor and allowing a born-alive child simply to die.

It is important this week on this occasion that Congress and America choose life. Let us today support the Born-Alive Infants Protection Act and the transcendent value of human life that is encompassed therein.

SAVE SOCIAL SECURITY FIRST

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this afternoon to lament the late great lockbox. You remember the lockbox. That was our promise not to spend Social Security trust funds on anything other than preserving the solvency of Social Security. Well, this administration's budget breaks into the lockbox. It obliterates the lockbox.

The Congressional Budget Office reports that the Republican budget spends \$179 billion from the Social Security trust fund on other programs. You will hear quickly that this is because of the war. That is not true. The deficit that is forcing us to break into the Social Security trust fund, 43 percent of it is due to tax cuts, tax cuts for the very wealthy, tax cuts for corporations like Enron who stand to gain \$254 million in tax breaks. I think that is wrong.

When we had a surplus a year ago and when we did not have a war, tax cuts made sense. But now today, facing a war, facing a deficit, we cannot afford these tax cuts. It breaks a promise that we made to the working families of America, and I believe it is just plain wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

BORN-ALIVE INFANTS PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2175) to protect infants who are born alive.

The Clerk read as follows:

H.R. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Born-Alive Infants Protection Act of 2001".

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being',

'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

"(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being 'born alive' as defined in this section."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2175, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill, the Born-Alive Infants Protection Act, is to protect all infants who are born alive by recognizing them as a person, human being, child or individual for purposes of Federal law. This recognition would take effect upon the live birth of an infant, regardless of whether or not his or her development is sufficient to permit long-term survival and regardless of whether or not he or she survived an abortion.

It has long been an accepted legal principle that infants who are born alive are persons and thus entitled to the protections of the law. Many States have statutes that explicitly enshrine this principle as a matter of State law and some Federal courts have recognized the principle in interpreting Federal criminal laws. However, recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question.

In its July 2000 ruling in *Stenberg v. Carhart*, the United States Supreme Court struck down a Nebraska law banning partial-birth abortion. In doing

so, the Carhart court considered the location of an infant's body at the moment of death during a partial-birth abortion, delivered partly outside the body of the mother, to be of no legal significance. Indeed, two members of the majority, Justices Stevens and Ginsburg, went so far as to say that it was, quote, "irrational," unquote, for the Nebraska legislature to take the location of the infant at the point of death into account. Thus, as Justice Scalia noted in dissent, the result of the Carhart ruling is to give live-birth abortion free rein.

Following *Stenberg v. Carhart*, the United States Court of Appeals for the Third Circuit made this point explicit in the case of *Planned Parenthood of Central New Jersey v. Farmer* when it struck down New Jersey's partial-birth abortion ban. According to the Third Circuit, under *Roe v. Wade* and *Carhart*, it is nonsensical and based upon semantic machinations and irrational line-drawing for a legislature to conclude that an infant's location in relation to his or her mother's body has any relevance in determining whether or not an infant may be killed.

The logical implications of *Carhart* and *Farmer* are both obvious and disturbing. Under the logic of these decisions, once a child is marked for abortion, it is wholly irrelevant whether the child emerges from the womb as a live baby. That child may still be treated as though he or she did not exist, and would have not the slightest rights under the law, no right to receive medical care, to be sustained in life, or to receive any care at all. If a child who survives an abortion is born alive and had no claim to the protections of the law, there would be no basis upon which the government may prohibit an abortionist from completely delivering an infant before killing it or allowing it to die. The right to abortion, under this logic, means nothing less than the right to a dead baby, no matter where the killing takes place. Thus, the *Carhart* and *Farmer* rulings have essentially brought our legal system to the threshold of accepting infanticide itself, making it necessary to firmly establish the "born alive" principle in Federal law.

The Born-Alive Infants Protection Act is designed to repudiate the destructive ideas that have brought the born-alive rule into question, and to firmly establish that, for purposes of Federal law, an infant who is completely expelled and extracted from his or her mother and who is alive is, indeed, a person under the law.

This bill draws a bright line between the right to abortion and infanticide, or the killing or criminal neglect of completely born children. The bill clarifies that a born-alive infant's legal status under Federal law does not depend upon the infant's gestational age or whether the infant's birth occurred as a result of natural or induced labor, cesarean section, or induced abortion.

Thus, the Born-Alive Infants Protection Act protects the legal status of all

children born alive and affirms that every child who is born alive has an intrinsic dignity which does not depend upon the interests or convenience of anyone else.

I urge my colleagues to support H.R. 2175.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

We today consider legislation reaffirming an important principle which is enshrined in the laws of all 50 States and unquestioned in law, that an infant who is born and who is living independently of the birth mother is entitled to the same care as any other child similarly diagnosed regardless of whether labor was induced or occurred spontaneously. It has never been particularly clear to me why we need to legislate that which most Members of Congress and the general public already understand to be the law; but if the majority is interested in restating well-settled law, there is no harm to that.

The same measure passed last year as an amendment to the Patients' Bill of Rights legislation in the Senate by a vote of 98-0, which is about as uncontroversial as something can get. Certainly it proved to be less controversial than the Patients' Bill of Rights.

I am pleased that the majority has made a serious effort in this draft of the bill to make clear that this bill has nothing to do with matters related to abortion, even going so far as to add subsection (c) further clarifying that point. Whatever concerns some may have had that this bill might be some clever way to undermine the rights protected under *Roe v. Wade* have, I think, been eliminated. Unless someone attempts to disrupt this effort by dragging the abortion debate back into it, I have little doubt that the bill will pass without much controversy.

I would like to address the concern that our Republican colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), has enunciated most eloquently.

□ 1415

That is the standard of care employed by neonatologists when faced with a nonviable newborn or clearly critical ill or massively deformed newborn. These are difficult medical issues and often horrendous circumstances which confront families hoping for the gift of parenthood.

I am aware of the fact that these are complex issues with which doctors, hospitals, families and courts grapple every day. What is important to remember is that this legislation, by its plain meaning and by the stated intent of the authors, does not intrude into these difficult decisions or change the standard of care required by law.

As the committee's report makes clear, "The protections afforded newborn infants under H.R. 2175 for purposes of Federal law are consistent

with the protections afforded those infants under the laws of the 30 States and the District of Columbia that define a live birth in virtually identical terms. Like those laws, H.R. 2175 would not mandate medical treatment where none is currently indicated. While there is debate about whether or not to aggressively treat premature infants below a certain birth weight, this is a dispute about medical efficacy, not regarding the legal status of the patient. That is, the standard of medical care applicable in a given situation involving a premature infant is not determined by asking whether that infant is a person. Medical authorities who argue that treatment below a given birth weight is futile are not arguing that these low-birth-weight infants are not persons, only that providing treatment in these circumstances is not warranted under the applicable standard of medical care. H.R. 2175 would not affect the applicable standard of care, but would ensure simply that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

I do not want to trivialize the concerns of neonatologists, but I was gratified by the testimony that we received from the majority witnesses at our subcommittee hearing on this legislation, which indicated that, while an infant may be considered "born alive" under this legislation, this proposed law would not in any way substitute the medical judgment of Congress for the judgment of doctors on the scene or interfere with the painful decisions that families must make under the most difficult of circumstances. We must respect families and not have the big hand of government make their worst moments even more unbearable. I trust the sponsors of this legislation are in agreement on this point.

There has been some debate over the question, and the gentleman from Wisconsin mentioned this, whether there is some sort of recognized legal right to a dead baby when a parent intends to abort a fetus. My colleagues well know that the line drawn by the Supreme Court is that of viability within the womb, and that outside the womb the normal laws governing the appropriate care of newborns, taking into account the prognosis made by a trained health care provider, apply. This bill reinforces the law as we know it to be. It does not change it in any respect.

I hope that we can agree for once to avoid the overheated rhetoric, deal with the bill in front of us and not some other unrelated grievance. As the Hippocratic Oath states, it will "do no harm." If we must put on a show for some of the antiabortion extremists, let us get over it and get back to dealing with the real problems this country has.

I want to say also with respect to the comments of the gentleman from Wisconsin of, the question of born alive, of

a right to a dead baby, has been joined into question only in the fevered imaginations of some in the antichoice camp. But there is no harm in assuaging their concerns, there is no harm in making clear that the law is what we always know it to be. There is no right to a dead baby in an attempted abortion. There is no right, it is against the law, it is murder, to kill an infant born alive. The cases that were cited did not deal with a baby born alive under the definition in this bill, which is also the definition of the laws of most of the States, it dealt with a baby prebirth.

So there is no problem with this bill, it has nothing to do with abortion, it does not do harm to neonatology, and I see no harm in passing the bill. I see no good in passing the bill either, except that it will satisfy the concerns of some people about some recent Supreme Court decisions, and that is a useful enough thing, so we can get back to debating the real issues.

I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, at the risk of not quitting while I am ahead, I yield 6 minutes to the gentleman from Ohio (Mr. CHABOT), who will tell the Members what good this bill will do.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time, and also for his leadership in moving forward on this important piece of legislation.

Last summer, over 70 original cosponsors joined with me in introducing H.R. 2175, the Born-Alive Infants Protection Act. The purpose of this bill is to respond to recent legal and cultural developments and protect all infants who are born alive by recognizing them as a "person, human being, child or individual" for purposes of Federal law.

Recent court decisions have called into question the rights entitled to newborn babies. Under the logic of the Supreme Court's decision in the *Stenberg v. Carhart* case, the long-accepted legal principle that infants who are born alive are persons entitled to the protections of the law has been called into question, bringing our culture and legal system closer than ever believed possible to accepting infanticide.

By failing to recognize as legally significant the location of an infant's body at the moment it is killed during an abortion, the Court's ruling opened the door for future courts to conclude that the location of an infant's body at the moment it is killed during an abortion, even if fully born, has no legal significance whatsoever.

The principle that born-alive infants are entitled to protection of the law is also being questioned at one of America's most prestigious universities. Amazingly, Princeton University bioethicist, Peter Singer, argues that the life of a newborn baby is "of no greater value than the life of a

nonhuman animal at a similar level of rationality, self-consciousness, awareness or capacity to feel." Thus, "Killing a disabled infant is not morally equivalent to killing a person. Very often, it is not wrong at all."

Think of that.

If such logic is allowed to go unchecked, the end result will be legal and moral confusion as to the status of newborn infants that are on the outskirts of viability or were marked for abortion prior to their unintended birth.

As chairman of the Subcommittee on the Constitution, I presided over hearings during which the subcommittee received credible and disturbing testimony that such confusion already exists. According to eyewitness accounts, live-birth abortions are being performed on healthy infants as late as the 23rd week of pregnancy, and beyond, that suffer from nonfatal deformities resulting in live-born premature infants who are simply allowed to die, sometimes without the provision of warmth or nutrition.

Our subcommittee was told of a living infant who was found in a soiled utility closet; another who was found naked on the edge of a sink; and another infant who, horribly, was wrapped in a disposable towel and thrown in the trash, only to be later found after falling out of the towel and onto the floor.

One witness, Nurse Jill Stanek, told the subcommittee about a live-birth abortion performed on a healthy infant at more than 23 weeks of gestation, and stated, "If the mother had wanted everything done for her baby, there would have been a neonatologist, pediatric resident, neonatal nurse, and respiratory therapist present for the delivery, and the baby would have been taken to our neonatal intensive care unit for specialized care. Instead, the only personnel present for this delivery were an obstetrical resident and my co-worker. After delivery, the baby, who showed early signs of thriving, was merely wrapped in a blanket and kept in the Labor and Delivery Department until she died 2½ hours later."

In my hometown of Cincinnati, a woman delivered a living 22-week-old baby girl after going through with the first steps of an unsuccessful partial birth abortion procedure. Reportedly, the attending emergency room physician placed the live baby in a specimen dish and asked that the baby be taken to the lab. The medical technician, Shelly Lowe, refused after she saw the baby girl gasping for breath. Instead, she held the baby, whom she named Hope, for 3 hours, singing to her and stroking her cheeks, until she died. Ms. Lowe has said that she "wanted her to feel that she was wanted; that she was a perfectly formed newborn entering the world too soon through no choice of her own."

Had any of these newborns been assessed for their likelihood of long-term survival, medical research suggests

that there is a strong chance that they would have survived. Infants born alive at 23 weeks currently have almost a 40 percent chance of sustained survival; those born at 24 weeks, a greater than 50 percent chance of survival; and those born at 25 weeks now have an 80 percent chance of survival. With medical technology rapidly improving, these survival rates will only improve.

The definition of "born alive" contained in H.R. 2175 was derived from a model definition of "live birth" that was promulgated by the World Health Organization in 1950 and is, with minor variations, currently codified in 30 States and the District of Columbia.

Like those laws, H.R. 2175 would not mandate medical treatment where none is currently indicated. While there is debate about whether or not to aggressively treat prematurely born infants below a certain birth weight, this is a dispute about medical efficiency, not regarding the legal status of the patient.

H.R. 2175 would not affect the applicable standard of care, but would only ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law.

I urge all Members to support this bill of compassion that says that all of America's children are precious and deserving of the most basic dignities afforded human life.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just a few brief comments. The gentleman from Ohio mentioned the hearings that were conducted on this bill and the testimony of Nurse Jill Stanek. It is very interesting that two hearings were held on this bill, two separate years, with the exact same witnesses. The majority could not find more than one witness, Nurse Stanek, to describe these allegedly horrible things that are occurring.

The majority's witness, Dr. Bowes, said even in the situations described by majority witness Nurse Jill Stanek, Dr. Bowes, the majority witness stated, "I don't think this legislation changes medical care for those babies."

The fact is, we cannot guarantee that in a country as large as this, where the laws of all 50 States and the District of Columbia already say what this bill would say, that we cannot guarantee no one violates the law. We cannot guarantee it. Nonetheless, the majority has not been able to point to one prosecution.

Now, it may be, assuming that what Nurse Stanek described actually happened, most of her testimony was hearsay, but assuming it was true, maybe the authorities in that county should have prosecuted.

But the fact is, the courts have been very clear, there is no such thing as the right to a live-birth abortion. A baby born alive is a human being under the terms of the law in all 50 States and the District of Columbia. This bill

merely restates that, so we have no problem with that.

But we should not get into the rhetoric, we should not get into the overheated rhetoric of the few who wish to suggest that viable, healthy infants are being allowed to die in our Nation's hospitals. It is simply not true. If it is true, then people ought to be prosecuted for murder, and the fault, if it is true, lies with the prosecuting authorities wherever that may happen.

So I do not think there is a big problem here. The court decisions that were cited all referred to babies or to fetuses really still in utero. Once outside of the mother's body, they are babies, there is no legal right to kill them. God forbid. It would be murder. This bill does not change that. There is no harm in restating it, I think. I think we have taken care of the concerns of the neonatologists about the standard of care.

So I support the bill simply to put at rest the fevered apprehensions about nonexistent threats. But let us not overstate those nonexistent threats, and if they are existent, they ought to be prosecuted. If the majority really knows of such cases, I hope they get on the cases of whoever the district attorney is and say, why are you not doing something about them, because it is already against the law, unless, of course, the descriptions of those cases are not as stated. But if they are as stated, the law already makes that murder. This bill retains that as murder.

It is a harmless bill. It is a bill that does nothing, but is harmless. And why not put people's fears at rest? So I still urge people to support the bill. But we should not get carried away and imagine that under the guise or name of "abortions" any of this nonsense is going on, because if it is going on, it is murder under the law today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise also in support of the Born-Alive Infants Protection Act.

The law would require that babies born alive be treated as babies. It seems simple. I agree with the gentleman that should be the way it is today. But, unfortunately, our society has blurred this issue and some have made it, one, an issue of the parents' interest, or in this case, lack of interest in a newborn. Babies now born at 23 weeks generally survive. Some born even earlier have survived.

Some critics of the legislation argue it is not necessary because what was alleged by one of our witnesses and several others that we have spoken with does not happen.

□ 1430

It currently does happen. It clearly does happen. We would not be dealing with this issue if it did not happen.

Ms. Stanek was just one of the individuals we spoke with through the committee. She brought with her other people who had also witnessed this type of action in a hospital, no less; a place where people go to receive care. Unfortunately, babies involved in induced-labor abortions were left to die, even though those children were born alive. It is every instance that will be covered, however. A child born alive, whether the labor is induced or not, should be treated as a child.

It seems like it should not be necessary for us to make this law. However, it was stated earlier today that viable, healthy infants are being permitted to die according to those of us who support this legislation. If we remove those adjectives, viable and healthy, that seems to except that infants who maybe are not healthy are being left to die.

Is it okay for us to allow unhealthy or maybe even unviable infants to be left to die on a cold shelf abandoned in some kind of cart in a hospital? It is not. This society must stand up for those who are the weakest. It is our responsibility as Members of the House to do so. That is why we support the Born-Alive Infant Protection Act, and I urge all of my colleagues to support it as well.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to oppose H.R. 2175, the Born-Alive Infants Protection Act of 2001.

Many individuals who support a woman's right to choose have argued that this bill is harmless because it restates existing law. I oppose this bill because it mischaracterizes current abortion rights law and may create confusion among physicians who provide emergency care to pregnant women. Concerns have been raised that H.R. 2175 would obligate physicians to provide care beyond recognized standards, and that failure to adhere would raise the issue of liability. More importantly, I oppose this bill because it is yet another attempt to chip away at a woman's right to choose.

Pro-life advocates have opposed and attempted to erode reproductive rights in a number of ways: by imposing waiting periods, by denying women information about their own health choices, by restricting or removing funding for contraception and family planning efforts, and at the most radical by terrorizing physicians and clinic workers. The current Administration has signaled its intent to pursue this line of advocacy.

In April 2001 the Bush Administration proposed to remove contraceptive coverage for federal employees. Only a groundswell of opposition restored this benefit, which the Office of Management and Budget found added nothing to the cost of federal health benefits. Again in 2002, the Bush Administration has proposed to end contraceptive coverage for federal employees, even though ending such coverage would violate Title VII, the federal law prohibiting sex discrimination in the workplace. In addition, the Administration has proposed cutting Title X funding family planning programs that provide critical family planning and related health services to millions of low-income families.

Make no mistake—advocating on behalf of women's health care and reproductive rights

entails stating the core issue of reproductive rights: Who gets to decide? Who decides what a woman does with her own body?

Access to birth control and abortion is part of the larger struggle for access to health care for all women. In 1973 the Supreme Court legalized abortion. Yet today, 20% of women who want to have an abortion cannot obtain one. Lack of funding, restrictive legislation, and campaigns of terror and harassment by the antiabortion movement have severely eroded abortion rights.

While public attention has focused on restrictions of women's choices through legislation and judicial decisions, abortion services have been undermined in more basic ways. Through harassment and violence directed at doctors and other health care providers, as well as medical schools and hospitals, anti-choice forces have discouraged both the teaching and provision of abortions. As a result, abortion services have been eliminated in large parts of the country and a critical shortage of abortion providers and services has developed. As with all other attacks on access to abortion, these restrictions have the greatest impact on low-income women, rural women, and women of color.

A number of solutions support reproductive rights:

- Opposing hospital mergers with institutions that prohibit reproductive health services;

- Developing the role of non-physician clinicians as women's healthcare providers, including nurses, midwives, nurse practitioners, and physicians assistants in abortion;

- Increasing abortion training for medical residents;

- Increasing awareness of reproductive choice and abortion access as a public health issue and encouraging research in the field;

- Creating innovative public education campaigns;

- Publishing directories of reproductive health and abortion providers in English, Spanish, and other languages where women lack access to information and health services;

- Creating coalitions of like-minded organizations which have an interest in women's reproductive health and abortion, such as: American Civil Liberties Union, NARAL, NOW, National Lawyer's Guild, National Women's Law Center, and numerous health care providers and unaffiliated activists.

In the 1986 case *Thornburgh v. American College of Obstetricians & Gynecologists*, Justice Harry Blackmun stated "Few decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy, than a woman's decision whether to end her pregnancy. A woman's right to make that choice freely is fundamental."

The terrorist events of 2001 focused our country on fundamental values such as freedom, commitment, and tolerance. Bills such as the Born-Alive Infants Protection Act of 2001 ultimately seek to curtail the freedom of choice held dear by the majority of the American public. We cannot afford to ignore challenges which seek to restrict the freedom of women to control their reproductive capacity, their decision to bear children, and the shape of their destiny.

Mr. WATTS of Oklahoma. Mr. Speaker, there are some things in life that are beyond the realm of sanity. There are some things that are just so heinous—so cruel—they surpass verbal description. The bill before the

House today addresses such an instance. We are considering a measure to ban the killing of an infant after the baby has been delivered.

The Born-Alive Infants Protection Act of 2001 states that anytime the word "person," "human being," "child" or "individual" is written in law or regulations, it will include every infant member of the species *homo sapiens* who is born alive at any stage of development.

Infanticide has no place in a civilized society. All children should be welcomed into life. I commend the sponsors of this legislation for bringing to light an injustice to innocent children and urge my colleagues to once again pass this bill.

Mr. SOUDER. Mr. Speaker, as a cosponsor of the Born-Alive Infants Protection Act, I strongly support its passage. This bill would firmly establish that, for purposes of federal law, an infant who is born alive is, indeed, a person and is entitled to the protections of the law. This concept has been a standing legal principle, spelled out in many state statutes and recognized by some federal courts in interpreting federal criminal laws. However, recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question and have made it necessary for the Congress to ensure that this principle becomes law.

A significant change in how the law defines a person occurred with the U.S. Supreme Court's decision to strike down a Nebraska law banning partial-birth abortion. Partial-birth abortion is a procedure in which a doctor delivers an unborn child's body until only the head remains inside of the mother, punctures the back of the child's skull with scissors and sucks the child's brains out before completing the delivery. The Court's decision found that the location of an infant at the time of death—delivered partly outside the body of the mother—is of no legal significance. The Court's decision implies that a partially born infant's entitlement to the protections of the law is dependent upon whether or not the partially born child's mother wants him or her.

The Born-Alive Infants Protection Act was also introduced partly to respond to testimony that "live-birth abortions" are performed around the country. A registered nurse from Illinois testified before Congress that she witnessed pregnant mothers being prematurely induced and delivering living premature infants that were then left to die without any medical attention. The hospital where this occurred defended its actions by saying that the newborns were intended for abortion. In other instances, babies whose lungs are insufficiently developed to permit sustained survival are often spontaneously delivered alive, and may live for hours or days, while some are born alive following deliveries induced for medical reasons.

The Born-Alive Infant Protection Act would ensure that any infant born alive is treated with the dignity and respect of a human being and given appropriate medical attention regardless of whether he or she is completely extracted or expelled from her mother and breathes, regardless of whether or not her lung development is believed to be, or is in fact, sufficient to permit long-term survival. The infant will be considered to be alive if she has a beating heart, a pulsation of the umbilical cord, or definite movement of the voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of

whether the baby was born as a result of natural or induced labor, Caesarean section, or induced abortion. I believe we must pass this bill to protect the lives of the unborn and prematurely born.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Born-Alive Infants Protection Act. In 2000 this legislation passed the House overwhelmingly, by a vote of 380–15. I am hopeful that today my colleagues will again vote to protect all infants who are born alive.

It saddens me that we have come to the point where we need federal legislation to assert that an infant who is completely expelled or extracted from her mother and who is alive is a person under the law. I strongly believe that the unborn should have the same protection under the law, but unfortunately not all of my colleagues agree. Many of you, however, agree that a baby who is born alive is a person and should not be killed or left to die.

Many states have approved the practice of "live-birth abortions." Infants born alive as a result of an unsuccessful abortion are killed or left to die, some babies are partially born only to be killed, and in so-called "therapeutic abortions" physicians use drugs to induce premature labor and deliver children still alive and then simply allow them to die. According to nurses at Christ Hospital in Oak Lawn, Illinois, physicians have used the "therapeutic abortion" procedure on infants with non-fatal deformities, such as spina bifida and Down Syndrome. Many of these babies have lived for hours after birth, with no efforts made to determine if any of them could have survived with appropriate medical assistance. Those who swear to save lives are instead leaving living, breathing, kicking, screaming babies to slowly die on their own.

A registered nurse from Illinois testified before Congress that she witnessed pregnant mothers being prematurely induced and delivering living premature infants that were then left to die without any medical attention. The hospital where this occurred defended its actions by saying that the newborns were intended for abortion. There is no defense for leaving innocent babies to die.

As a father of three beautiful children and a strong defender of human life, I am embarrassed that we live in a country where babies are abandoned and left to die. I urge you to vote in favor of this important legislation so that all the beautiful children who come into this world are treated as the human beings they are.

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise in strong support of H.R. 2175. Every infant deserves to be fully entitled to all protections of our laws, no matter the likelihood of long-term survival. This legislation will ensure that the deplorable practice of infanticide will never occur again in this country.

We have many serious issues to tackle here in Washington, few as important as the right to life. I am pleased to see that this issue is no longer on the backburner. It is reassuring that we in the House are making strides toward legislation that will reduce abortion rates here and abroad.

Since the legalization of abortion in 1973, countless victims have paid the ultimate price. The landscape of American society changed with the *Roe vs. Wade* decision, which has resulted in societal corruption and a moral decline in our nation.

Life is a fundamental human right. We must preserve the sanctity of this right and we must not rest until its place in the moral fabric of our nation is restored. The unborn child has no voice and cannot protect itself. It is our responsibility to ensure their voices are heard and their right to life is protected.

I urge my colleagues to vote in favor of H.R. 2175 and take a stand for what we know to be ethically decent.

Mr. CRANE. Mr. Speaker, as an original cosponsor to the legislation before us, I rise in strong support of H.R. 2175, the Born-Alive Infants Protection Act.

While it has long been accepted as legal principle that infants born alive are entitled to the protection of law, recent court decisions have cut back this fundamental right. The purpose of this legislation is to firmly establish under law that an infant who is completely expelled or extracted from his or her mother and who is alive, is considered a person for purposes of federal law. This recognition takes effect upon birth, irrespective of whether the baby survived an attempted abortion.

This legislation will make illegal "live-birth" abortions, a practice so barbaric in nature and tragic in outcome that it is almost inconceivable that they occur. Unfortunately, testimony received by the Subcommittee on the Constitution indicates that in some jurisdictions, once a child is marked for abortion, it may become irrelevant whether that child emerges from the mother's womb as a live baby. In other words, some live-born premature infants may be treated as a nonentity, and allowed to die.

I thank my friend from Ohio, Congressman CHABOT, for introducing this vital piece of legislation, and I strongly urge all my colleagues to cast an "aye" vote on final passage.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of H.R. 2175, the Born-Alive Infant Protection Act and I am a proud cosponsor of this bill.

This legislation is long overdue. For too long the youngest and most vulnerable of children have not been protected. This bill corrects this and brings protection to these children. It ensures that all children who are born alive are to be considered a human being.

This bill would grant protection from being killed to all babies that show signs of life such as a heartbeat, breathing or muscle movement once they are outside the mother's womb.

I commend the Chairman for bringing this bill to the floor today, and I urge all of my colleagues to support its passage. It is critical that we value all human life and this bill moves us in that direction.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2175.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 376) providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885.

The Clerk read as follows:

H. RES. 365

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1885, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: "An Act to enhance the border security of the United States, and for other purposes."

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Enhanced Border Security and Visa Entry Reform Act of 2002".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Definitions.

TITLE I—FUNDING

Sec. 101. Authorization of appropriations for hiring and training Government personnel.

Sec. 102. Authorization of appropriations for improvements in technology and infrastructure.

Sec. 103. Machine-readable visa fees.

TITLE II—INTERAGENCY INFORMATION SHARING

Sec. 201. Interim measures for access to and coordination of law enforcement and other information.

Sec. 202. Interoperable law enforcement and intelligence data system with name-matching capacity and training.

Sec. 203. Commission on interoperable data sharing.

TITLE III—VISA ISSUANCE

Sec. 301. Electronic provision of visa files.

Sec. 302. Implementation of an integrated entry and exit data system.

Sec. 303. Machine-readable, tamper-resistant entry and exit documents.

Sec. 304. Terrorist lookout committees.

Sec. 305. Improved training for consular officers.

Sec. 306. Restriction on issuance of visas to nonimmigrants who are from countries that are state sponsors of international terrorism.

Sec. 307. Designation of program countries under the Visa Waiver Program.

Sec. 308. Tracking system for stolen passports.

Sec. 309. Identification documents for certain newly admitted aliens.

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

Sec. 401. Study of the feasibility of a North American National Security Program.

Sec. 402. Passenger manifests.

Sec. 403. Time period for inspections.

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

Sec. 501. Foreign student monitoring program.

Sec. 502. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Extension of deadline for improvement in border crossing identification cards.

Sec. 602. General Accounting Office study.

Sec. 603. International cooperation.

Sec. 604. Statutory construction.

Sec. 605. Report on aliens who fail to appear after release on own recognition.

Sec. 606. Retention of nonimmigrant visa applications by the Department of State.

Sec. 607. Extension of deadline for classification petition and labor certification filings.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ALIEN.**—The term "alien" has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(2) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term "appropriate committees of Congress" means the following:

(A) The Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(3) **FEDERAL LAW ENFORCEMENT AGENCIES.**—The term "Federal law enforcement agencies" means the following:

(A) The United States Secret Service.
(B) The Drug Enforcement Administration.
(C) The Federal Bureau of Investigation.
(D) The Immigration and Naturalization Service.

(E) The United States Marshall Service.
(F) The Naval Criminal Investigative Service.

(G) The Coastal Security Service.

(H) The Diplomatic Security Service.

(I) The United States Postal Inspection Service.

(J) The Bureau of Alcohol, Tobacco, and Firearms.

(K) The United States Customs Service.

(L) The National Park Service.

(4) **INTELLIGENCE COMMUNITY.**—The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) **PRESIDENT.**—The term "President" means the President of the United States, acting through the Assistant to the President for Homeland Security, in coordination with the Secretary of State, the Commissioner of Immigration and Naturalization, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Transportation, the Commissioner of Customs, and the Secretary of the Treasury.

(6) **USA PATRIOT ACT.**—The term "USA PATRIOT Act" means the Uniting and Strengthening America by Providing Appro-

priate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56).

TITLE I—FUNDING

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIRING AND TRAINING GOVERNMENT PERSONNEL.

(a) **ADDITIONAL PERSONNEL.**—

(1) **INS INSPECTORS.**—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of inspectors and associated support staff in the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of inspectors and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(2) **INS INVESTIGATIVE PERSONNEL.**—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of investigative and associated support staff of the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of investigators and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, including such sums as may be necessary to provide facilities, attorney personnel and support staff, and other resources needed to support the increased number of inspectors, investigative staff, and associated support staff.

(b) **WAIVER OF FTE LIMITATION.**—The Attorney General is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Immigration and Naturalization Service.

(c) **AUTHORIZATION OF APPROPRIATIONS FOR INS STAFFING.**—

(1) **IN GENERAL.**—There are authorized to be appropriated for the Department of Justice such sums as may be necessary to provide an increase in the annual rate of basic pay—

(A) for all journeyman Border Patrol agents and inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332;

(B) for inspections assistants, from the annual rate of basic pay payable for positions at GS-5 of the General Schedule under section 5332 of title 5, United States Code, to an annual rate of basic pay payable for positions at GS-7 of the General Schedule under such section 5332; and

(C) for the support staff associated with the personnel described in subparagraphs (A) and (B), at the appropriate GS level of the General Schedule under such section 5332.

(d) **AUTHORIZATION OF APPROPRIATIONS FOR TRAINING.**—There are authorized to be appropriated such sums as may be necessary—

(1) to appropriately train Immigration and Naturalization Service personnel on an ongoing basis—

(A) to ensure that their proficiency levels are acceptable to protect the borders of the United States; and

(B) otherwise to enforce and administer the laws within their jurisdiction; and

(2) to provide adequate continuing cross-training to agencies staffing the United States border and ports of entry to effectively and correctly apply applicable United States laws;

(3) to fully train immigration officers to use the appropriate lookout databases and to monitor passenger traffic patterns; and

(4) to expand the Carrier Consultant Program described in section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225A(b)).

(e) AUTHORIZATION OF APPROPRIATIONS FOR CONSULAR FUNCTIONS.—

(1) RESPONSIBILITIES.—The Secretary of State shall—

(A) implement enhanced security measures for the review of visa applicants;

(B) staff the facilities and programs associated with the activities described in subparagraph (A); and

(C) provide ongoing training for consular officers and diplomatic security agents.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State such sums as may be necessary to carry out paragraph (1).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IMPROVEMENTS IN TECHNOLOGY AND INFRASTRUCTURE.

(a) FUNDING OF TECHNOLOGY.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated \$150,000,000 to the Immigration and Naturalization Service for purposes of—

(A) making improvements in technology (including infrastructure support, computer security, and information technology development) for improving border security;

(B) expanding, utilizing, and improving technology to improve border security; and

(C) facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

(2) WAIVER OF FEES.—Federal agencies involved in border security may waive all or part of enrollment fees for technology-based programs to encourage participation by United States citizens and aliens in such programs. Any agency that waives any part of any such fee may establish its fees for other services at a level that will ensure the recovery from other users of the amounts waived.

(3) OFFSET OF INCREASES IN FEES.—The Attorney General may, to the extent reasonable, increase land border fees for the issuance of arrival-departure documents to offset technology costs.

(b) IMPROVEMENT AND EXPANSION OF INS, STATE DEPARTMENT, AND CUSTOMS FACILITIES.—There are authorized to be appropriated to the Immigration and Naturalization Service and the Department of State such sums as may be necessary to improve and expand facilities for use by the personnel of those agencies.

SEC. 103. MACHINE-READABLE VISA FEES.

(a) RELATION TO SUBSEQUENT AUTHORIZATION ACTS.—Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking paragraph (3).

(b) FEE AMOUNT.—The machine-readable visa fee charged by the Department of State shall be the higher of \$65 or the cost of the machine-readable visa service, as determined by the Secretary of State after conducting a study of the cost of such service.

(c) SURCHARGE.—The Department of State is authorized to charge a surcharge of \$10, in addition to the machine-readable visa fee, for issuing a machine-readable visa in a non-machine-readable passport.

(d) AVAILABILITY OF COLLECTED FEES.—Notwithstanding any other provision of law, amounts collected as fees described in this section shall be credited as an offsetting collection to any appropriation for the Department of State to recover costs of providing consular services. Amounts so credited shall

be available, until expended, for the same purposes as the appropriation to which credited.

TITLE II—INTERAGENCY INFORMATION SHARING

SEC. 201. INTERIM MEASURES FOR ACCESS TO AND COORDINATION OF LAW ENFORCEMENT AND OTHER INFORMATION.

(a) INTERIM DIRECTIVE.—Until the plan required by subsection (c) is implemented, Federal law enforcement agencies and the intelligence community shall, to the maximum extent practicable, share any information with the Department of State and the Immigration and Naturalization Service relevant to the admissibility and deportability of aliens, consistent with the plan described in subsection (c).

(b) REPORT IDENTIFYING LAW ENFORCEMENT AND INTELLIGENCE INFORMATION.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report identifying Federal law enforcement and the intelligence community information needed by the Department of State to screen visa applicants, or by the Immigration and Naturalization Service to screen applicants for admission to the United States, and to identify those aliens inadmissible or deportable under the Immigration and Nationality Act.

(2) REPEAL.—Section 414(d) of the USA PATRIOT Act is hereby repealed.

(c) COORDINATION PLAN.—

(1) REQUIREMENT FOR PLAN.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall develop and implement a plan based on the findings of the report under subsection (b) that requires Federal law enforcement agencies and the intelligence community to provide to the Department of State and the Immigration and Naturalization Service all information identified in that report as expeditiously as practicable.

(2) CONSULTATION REQUIREMENT.—In the preparation and implementation of the plan under this subsection, the President shall consult with the appropriate committees of Congress.

(3) PROTECTIONS REGARDING INFORMATION AND USES THEREOF.—The plan under this subsection shall establish conditions for using the information described in subsection (b) received by the Department of State and Immigration and Naturalization Service—

(A) to limit the redissemination of such information;

(B) to ensure that such information is used solely to determine whether to issue a visa to an alien or to determine the admissibility or deportability of an alien to the United States, except as otherwise authorized under Federal law;

(C) to ensure the accuracy, security, and confidentiality of such information;

(D) to protect any privacy rights of individuals who are subjects of such information;

(E) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information; and

(F) in a manner that protects the sources and methods used to acquire intelligence information as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(4) CRIMINAL PENALTIES FOR MISUSE OF INFORMATION.—Any person who obtains information under this subsection without authorization or exceeding authorized access (as defined in section 1030(e) of title 18, United States Code), and who uses such information in the manner described in any of the paragraphs (1) through (7) of section 1030(a) of such title, or attempts to use such

information in such manner, shall be subject to the same penalties as are applicable under section 1030(c) of such title for violation of that paragraph.

(5) ADVANCING DEADLINES FOR A TECHNOLOGY STANDARD AND REPORT.—Section 403(c) of the USA PATRIOT Act is amended—

(A) in paragraph (1), by striking “2 years” and inserting “one year”; and

(B) in paragraph (4), by striking “18 months” and inserting “six months”.

SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE DATA SYSTEM WITH NAME-MATCHING CAPACITY AND TRAINING.

(a) INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE ELECTRONIC DATA SYSTEM.—

(1) REQUIREMENT FOR INTEGRATED IMMIGRATION AND NATURALIZATION DATA SYSTEM.—The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. The fully integrated data system shall be an interoperable component of the electronic data system described in paragraph (2).

(2) REQUIREMENT FOR INTEROPERABLE DATA SYSTEM.—Upon the date of commencement of implementation of the plan required by section 201(c), the President shall develop and implement an interoperable electronic data system to provide current and immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien.

(3) CONSULTATION REQUIREMENT.—In the development and implementation of the data system under this subsection, the President shall consult with the Director of the National Institute of Standards and Technology (NIST) and any such other agency as may be deemed appropriate.

(4) TECHNOLOGY STANDARD.—

(A) IN GENERAL.—The data system developed and implemented under this subsection, and the databases referred to in paragraph (2), shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and subparagraph (B).

(B) CONFORMING AMENDMENT.—Section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5), is further amended—

(i) in paragraph (1), by inserting “, including appropriate biometric identifier standards,” after “technology standard”; and

(ii) in paragraph (2) —

(I) by striking “INTEGRATED” and inserting “INTEROPERABLE”; and

(II) by striking “integrated” and inserting “interoperable”.

(5) ACCESS TO INFORMATION IN DATA SYSTEM.—Subject to paragraph (6), information in the data system under this subsection shall be readily and easily accessible—

(A) to any consular officer responsible for the issuance of visas;

(B) to any Federal official responsible for determining an alien's admissibility or deportability from the United States; and

(C) to any Federal law enforcement or intelligence officer determined by regulation to be responsible for the investigation or identification of aliens.

(6) LIMITATION ON ACCESS.—The President shall, in accordance with applicable Federal laws, establish procedures to restrict access to intelligence information in the data system under this subsection, and the databases referred to in paragraph (2), under circumstances in which such information is not to be disclosed directly to Government officials under paragraph (5).

(b) NAME-SEARCH CAPACITY AND SUPPORT.—

(1) IN GENERAL.—The interoperable electronic data system required by subsection (a) shall—

(A) have the capacity to compensate for disparate name formats among the different databases referred to in subsection (a);

(B) be searchable on a linguistically sensitive basis;

(C) provide adequate user support;

(D) to the extent practicable, utilize commercially available technology; and

(E) be adjusted and improved, based upon experience with the databases and improvements in the underlying technologies and sciences, on a continuing basis.

(2) LINGUISTICALLY SENSITIVE SEARCHES.—

(A) IN GENERAL.—To satisfy the requirement of paragraph (1)(B), the interoperable electronic database shall be searchable based on linguistically sensitive algorithms that—

(i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a particular language; and

(ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.

(B) LANGUAGES REQUIRED.—

(i) PRIORITY LANGUAGES.—Linguistically sensitive algorithms shall be developed and implemented for no fewer than 4 languages designated as high priorities by the Secretary of State, after consultation with the Attorney General and the Director of Central Intelligence.

(ii) IMPLEMENTATION SCHEDULE.—Of the 4 linguistically sensitive algorithms required to be developed and implemented under clause (i)—

(I) the highest priority language algorithms shall be implemented within 18 months after the date of enactment of this Act; and

(II) an additional language algorithm shall be implemented each succeeding year for the next three years.

(3) ADEQUATE USER SUPPORT.—The Secretary of State and the Attorney General shall jointly prescribe procedures to ensure that consular and immigration officers can, as required, obtain assistance in resolving identity and other questions that may arise about names of aliens seeking visas or admission to the United States that may be subject to variations in format, transliteration, or other similar phenomenon.

(4) INTERIM REPORTS.—Six months after the date of enactment of this Act, the President shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.

(5) REPORTS BY INTELLIGENCE AGENCIES.—

(A) CURRENT STANDARDS.—Not later than 60 days after the date of enactment of this Act, the Director of Central Intelligence shall complete the survey and issue the report previously required by section 309(a) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403-3 note).

(B) GUIDELINES.—Not later than 120 days after the date of enactment of this Act, the Director of Intelligence shall issue the guidelines and submit the copy of those guidelines previously required by section 309(b) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403-3 note).

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.

SEC. 203. COMMISSION ON INTEROPERABLE DATA SHARING.

(a) ESTABLISHMENT.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall establish a Commission on Interoperable Data Sharing

(in this section referred to as the “Commission”). The purposes of the Commission shall be to—

(1) monitor the protections described in section 201(c)(3);

(2) provide oversight of the interoperable electronic data system described in this title; and

(3) report to Congress annually on the Commission’s findings and recommendations.

(b) COMPOSITION.—The Commission shall consist of nine members, who shall be appointed by the President, as follows:

(1) One member, who shall serve as Chair of the Commission.

(2) Eight members, who shall be appointed from a list of nominees jointly provided by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(c) CONSIDERATIONS.—The Commission shall consider recommendations regarding the following issues:

(1) Adequate protection of privacy concerns inherent in the design, implementation, or operation of the interoperable electronic data system.

(2) Timely adoption of security innovations, consistent with generally accepted security standards, to protect the integrity and confidentiality of information to prevent against the risks of accidental or unauthorized loss, access, destruction, use modification, or disclosure of information.

(3) The adequacy of mechanisms to permit the timely correction of errors in data maintained by the interoperable data system.

(4) Other protections against unauthorized use of data to guard against the misuse of the interoperable data system or the data maintained by the system, including recommendations for modifications to existing laws and regulations to sanction misuse of the system.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

TITLE III—VISA ISSUANCE

SEC. 301. ELECTRONIC PROVISION OF VISA FILES.

Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” immediately after “(a)”; and

(3) by adding at the end the following:

“(2) The Secretary of State shall provide to the Service an electronic version of the visa file of an alien who has been issued a visa to ensure that the data in that visa file is available to immigration inspectors at the United States ports of entry before the arrival of the alien at such a port of entry.”

SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY AND EXIT DATA SYSTEM.

(a) DEVELOPMENT OF SYSTEM.—In developing the integrated entry and exit data system for the ports of entry, as required by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106-215), the Attorney General and the Secretary of State shall—

(1) implement, fund, and use a technology standard under section 403(c) of the USA PATRIOT Act (as amended by sections 201(c)(5) and 202(a)(3)(B)) at United States ports of entry and at consular posts abroad;

(2) establish a database containing the arrival and departure data from machine-readable visas, passports, and other travel and entry documents possessed by aliens; and

(3) make interoperable all security databases relevant to making determinations of

admissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).

(b) IMPLEMENTATION.—In implementing the provisions of subsection (a), the Immigration and Naturalization Service and the Department of State shall—

(1) utilize technologies that facilitate the lawful and efficient cross-border movement of commerce and persons without compromising the safety and security of the United States; and

(2) consider implementing the North American National Security Program described in section 401.

SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY AND EXIT DOCUMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of State, and the National Institute of Standards and Technology (NIST), acting jointly, shall submit to the appropriate committees of Congress a comprehensive report assessing the actions that will be necessary, and the considerations to be taken into account, to achieve fully, not later than October 26, 2003—

(A) implementation of the requirements of subsections (b) and (c); and

(B) deployment of the equipment and software to allow biometric comparison of the documents described in subsections (b) and (c).

(2) ESTIMATES.—In addition to the assessment required by paragraph (1), each report shall include an estimate of the costs to be incurred, and the personnel, man-hours, and other support required, by the Department of Justice, the Department of State, and NIST to achieve the objectives of subparagraphs (A) and (B) of paragraph (1).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Not later than October 26, 2003, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers. The Attorney General and the Secretary of State shall jointly establish biometric identifiers standards to be employed on such visas and travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

(2) READERS AND SCANNERS AT PORTS OF ENTRY.—

(A) IN GENERAL.—Not later than October 26, 2003, the Attorney General, in consultation with the Secretary of State, shall install at all ports of entry of the United States equipment and software to allow biometric comparison of all United States visas and travel and entry documents issued to aliens, and passports issued pursuant to subsection (c)(1).

(B) USE OF READERS AND SCANNERS.—The Attorney General, in consultation with the Secretary of State, shall utilize biometric data readers and scanners that—

(i) domestic and international standards organizations determine to be highly accurate when used to verify identity; and

(ii) can read the biometric identifiers utilized under subsections (b)(1) and (c)(1).

(3) USE OF TECHNOLOGY STANDARD.—The systems employed to implement paragraphs (1) and (2) shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and 202(a)(3)(B).

(c) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—

(1) CERTIFICATION REQUIREMENT.—Not later than October 26, 2003, the government of each country that is designated to participate in the visa waiver program established under

section 217 of the Immigration and Nationality Act shall certify, as a condition for designation or continuation of that designation, that it has a program to issue to its nationals machine-readable passports that are tamper-resistant and incorporate biometric identifiers that comply with applicable biometric identifiers standards established by the International Civil Aviation Organization. This paragraph shall not be construed to rescind the requirement of section 217(a)(3) of the Immigration and Nationality Act.

(2) **USE OF TECHNOLOGY STANDARD.**—On and after October 26, 2003, any alien applying for admission under the visa waiver program shall present a passport that meets the requirements of paragraph (1) unless the alien's passport was issued prior to that date.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursement to international and domestic standards organizations.

SEC. 304. TERRORIST LOOKOUT COMMITTEES.

(a) **ESTABLISHMENT.**—The Secretary of State shall require a terrorist lookout committee to be maintained within each United States mission.

(b) **PURPOSE.**—The purpose of each committee established under subsection (a) shall be—

(1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;

(2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and

(3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.

(c) **COMPOSITION; CHAIR.**—The Secretary shall establish rules governing the composition of such committees.

(d) **MEETINGS.**—The committee shall meet at least monthly to share information pertaining to the committee's purpose as described in subsection (b)(2).

(e) **PERIODIC REPORTS.**—The committee shall submit quarterly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the quarter.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 305. IMPROVED TRAINING FOR CONSULAR OFFICERS.

(a) **TRAINING.**—The Secretary of State shall require that all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers shall be specially and extensively trained in the identification of aliens inadmissible under section 212(a)(3) (A) and (B) of the Immigration and Nationality Act, interagency and international intelligence sharing regarding terrorists and terrorism, and cultural-sensitivity toward visa applicants.

(b) **USE OF FOREIGN INTELLIGENCE INFORMATION.**—As an ongoing component of the training required in subsection (a), the Secretary of State shall coordinate with the Assistant to the President for Homeland Security, Federal law enforcement agencies, and the intel-

ligence community to compile and disseminate to the Bureau of Consular Affairs reports, bulletins, updates, and other current unclassified information relevant to terrorists and terrorism and to screening visa applicants who pose a potential threat to the safety or security of the United States.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NONIMMIGRANTS FROM COUNTRIES THAT ARE STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) **IN GENERAL.**—No nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

(b) **STATE SPONSOR OF INTERNATIONAL TERRORISM DEFINED.**—

(1) **IN GENERAL.**—In this section, the term "state sponsor of international terrorism" means any country the government of which has been determined by the Secretary of State under any of the laws specified in paragraph (2) to have repeatedly provided support for acts of international terrorism.

(2) **LAWS UNDER WHICH DETERMINATIONS WERE MADE.**—The laws specified in this paragraph are the following:

(A) Section 6(j)(1)(A) of the Export Administration Act of 1979 (or successor statute).

(B) Section 40(d) of the Arms Export Control Act.

(C) Section 620A(a) of the Foreign Assistance Act of 1961.

SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER THE VISA WAIVER PROGRAM.

(a) **REPORTING PASSPORT THEFTS.**—As a condition of a country's initial designation or continued designation for participation in the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Attorney General and the Secretary of State shall consider whether the country reports to the United States Government on a timely basis the theft of blank passports issued by that country.

(b) **CHECK OF LOOKOUT DATABASES.**—Prior to the admission of an alien under the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Immigration and Naturalization Service shall determine that the applicant for admission does not appear in any of the appropriate lookout databases available to immigration inspectors at the time the alien seeks admission to the United States.

SEC. 308. TRACKING SYSTEM FOR STOLEN PASSPORTS.

(a) **ENTERING STOLEN PASSPORT IDENTIFICATION NUMBERS IN THE INTEROPERABLE DATA SYSTEM.**—

(1) **IN GENERAL.**—Beginning with implementation under section 202 of the law enforcement and intelligence data system, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, the Attorney General and the Secretary of State, as appropriate, shall enter into such system the corresponding identi-

fication number for the lost or stolen passport.

(2) **ENTRY OF INFORMATION ON PREVIOUSLY LOST OR STOLEN PASSPORTS.**—To the extent practicable, the Attorney General, in consultation with the Secretary of State, shall enter into such system the corresponding identification numbers for the United States and foreign passports lost or stolen prior to the implementation of such system.

(b) **TRANSITION PERIOD.**—Until such time as the law enforcement and intelligence data system described in section 202 is fully implemented, the Attorney General shall enter the data described in subsection (a) into an existing data system being used to determine the admissibility or deportability of aliens.

SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN NEWLY ADMITTED ALIENS.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that, immediately upon the arrival in the United States of an individual admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or immediately upon an alien being granted asylum under section 208 of such Act (8 U.S.C. 1158), the alien will be issued an employment authorization document. Such document shall, at a minimum, contain the fingerprint and photograph of such alien.

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMERICAN NATIONAL SECURITY PROGRAM.

(a) **IN GENERAL.**—The President shall conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.

(b) **STUDY ELEMENTS.**—In conducting the study required by subsection (a), the officials specified in subsection (a) shall consider the following:

(1) **PRECLEARANCE.**—The feasibility of establishing a program enabling foreign national travelers to the United States to submit voluntarily to a preclearance procedure established by the Department of State and the Immigration and Naturalization Service to determine whether such travelers are admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182). Consideration shall be given to the feasibility of expanding the preclearance program to include the preclearance both of foreign nationals traveling to Canada and foreign nationals traveling to Mexico.

(2) **PREINSPECTION.**—The feasibility of expanding preinspection facilities at foreign airports as described in section 235A of the Immigration and Nationality Act (8 U.S.C. 1225). Consideration shall be given to the feasibility of expanding preinspections to foreign nationals on air flights destined for Canada and Mexico, and the cross training and funding of inspectors from Canada and Mexico.

(3) **CONDITIONS.**—A determination of the measures necessary to ensure that the conditions required by section 235A(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1225a(a)(5)) are satisfied, including consultation with experts recognized for their expertise regarding the conditions required by that section.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such

sums as may be necessary to carry out this section.

SEC. 402. PASSENGER MANIFESTS.

(a) IN GENERAL.—Section 231 of the Immigration and Nationality Act (8 U.S.C. 1221(a)) is amended—

(1) by striking subsections (a), (b), (d), and (e);

(2) by redesignating subsection (c) as subsection (i); and

(3) by inserting after “SEC. 231.” the following new subsections: “(a) ARRIVAL MANIFESTS.—For each commercial vessel or aircraft transporting any person to any seaport or airport of the United States from any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide to an immigration officer at that port manifest information about each passenger, crew member, and other occupant transported on such vessel or aircraft prior to arrival at that port.

“(b) DEPARTURE MANIFESTS.—For each commercial vessel or aircraft taking passengers on board at any seaport or airport of the United States, who are destined to any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide an immigration officer before departure from such port manifest information about each passenger, crew member, and other occupant to be transported.

“(c) CONTENTS OF MANIFEST.—The information to be provided with respect to each person listed on a manifest required to be provided under subsection (a) or (b) shall include—

“(1) complete name;

“(2) date of birth;

“(3) citizenship;

“(4) sex;

“(5) passport number and country of issuance;

“(6) country of residence;

“(7) United States visa number, date, and place of issuance, where applicable;

“(8) alien registration number, where applicable;

“(9) United States address while in the United States; and

“(10) such other information the Attorney General, in consultation with the Secretary of State, and the Secretary of Treasury determines as being necessary for the identification of the persons transported and for the enforcement of the immigration laws and to protect safety and national security.

“(d) APPROPRIATE OFFICIALS SPECIFIED.—An appropriate official specified in this subsection is the master or commanding officer, or authorized agent, owner, or consignee, of the commercial vessel or aircraft concerned.

“(e) DEADLINE FOR REQUIREMENT OF ELECTRONIC TRANSMISSION OF MANIFEST INFORMATION.—Not later than January 1, 2003, manifest information required to be provided under subsection (a) or (b) shall be transmitted electronically by the appropriate official specified in subsection (d) to an immigration officer.

“(f) PROHIBITION.—No operator of any private or public carrier that is under a duty to provide manifest information under this section shall be granted clearance papers until the appropriate official specified in subsection (d) has complied with the requirements of this subsection, except that in the case of commercial vessels, aircraft, or land carriers that the Attorney General determines are making regular trips to the United States, the Attorney General may, when expedient, arrange for the provision of manifest information of persons departing the United States at a later date.

“(g) PENALTIES AGAINST NONCOMPLYING SHIPMENTS, AIRCRAFT, OR CARRIERS.—If it

shall appear to the satisfaction of the Attorney General that an appropriate official specified in subsection (d), any public or private carrier, or the agent of any transportation line, as the case may be, has refused or failed to provide manifest information required by subsection (a) or (b), or that the manifest information provided is not accurate and full based on information provided to the carrier, such official, carrier, or agent, as the case may be, shall pay to the Commissioner the sum of \$300 for each person with respect to whom such accurate and full manifest information is not provided, or with respect to whom the manifest information is not prepared as prescribed by this section or by regulations issued pursuant thereto. No commercial vessel, aircraft, or land carrier shall be granted clearance pending determination of the question of the liability to the payment of such penalty, or while it remains unpaid, and no such penalty shall be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the Commissioner of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such penalty.

“(h) WAIVER.—The Attorney General may waive the requirements of subsection (a) or (b) upon such circumstances and conditions as the Attorney General may by regulation prescribe.”

(b) EXTENSION TO LAND CARRIERS.—Not later than two years after the date of enactment of this Act, the President shall conduct a study regarding the feasibility of extending the requirements of subsections (a) and (b) of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221), as amended by subsection (a), to any commercial carrier transporting persons by land to or from the United States. The study shall focus on the manner in which such requirement would be implemented to enhance the national security of the United States and the efficient cross-border flow of commerce and persons.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to persons arriving in, or departing from, the United States on or after the date of enactment of this Act.

SEC. 403. TIME PERIOD FOR INSPECTIONS.

(a) REPEAL OF TIME LIMITATION ON INSPECTIONS.—Section 286(g) of the Immigration and Nationality Act (8 U.S.C. 1356(g)) is amended by striking “, within forty-five minutes of their presentation for inspection.”

(b) STAFFING LEVELS AT PORTS OF ENTRY.—The Immigration and Naturalization Service shall staff ports of entry at such levels that would be adequate to meet traffic flow and inspection time objectives efficiently without compromising the safety and security of the United States. Estimated staffing levels under workforce models for the Immigration and Naturalization Service shall be based on the goal of providing immigration services described in section 286(g) of such Act within 45 minutes of a passenger's presentation for inspection.

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

SEC. 501. FOREIGN STUDENT MONITORING PROGRAM.

(a) STRENGTHENING REQUIREMENTS FOR IMPLEMENTATION OF MONITORING PROGRAM.—

(1) MONITORING AND VERIFICATION OF INFORMATION.—Section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)) is amended by adding at the end the following:

“(3) ALIENS FOR WHOM A VISA IS REQUIRED.—The Attorney General, in consultation with the Secretary of State, shall establish an electronic means to monitor and verify—

“(A) the issuance of documentation of acceptance of a foreign student by an approved institution of higher education or other approved educational institution, or of an exchange visitor program participant by a designated exchange visitor program;

“(B) the transmittal of the documentation referred to in subparagraph (A) to the Department of State for use by the Bureau of Consular Affairs;

“(C) the issuance of a visa to a foreign student or an exchange visitor program participant;

“(D) the admission into the United States of the foreign student or exchange visitor program participant;

“(E) the notification to an approved institution of higher education, other approved educational institution, or exchange visitor program sponsor that the foreign student or exchange visitor participant has been admitted into the United States;

“(F) the registration and enrollment of that foreign student in such approved institution of higher education or other approved educational institution, or the participation of that exchange visitor in such designated exchange visitor program, as the case may be; and

“(G) any other relevant act by the foreign student or exchange visitor program participant, including a changing of school or designated exchange visitor program and any termination of studies or participation in a designated exchange visitor program.

“(4) REPORTING REQUIREMENTS.—Not later than 30 days after the deadline for registering for classes for an academic term of an approved institution of higher education or other approved educational institution for which documentation is issued for an alien as described in paragraph (3)(A), or the scheduled commencement of participation by an alien in a designated exchange visitor program, as the case may be, the institution or program, respectively, shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation.”

(2) ADDITIONAL REQUIREMENTS FOR DATA TO BE COLLECTED.—Section 641(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)(1)) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by adding at the end the following:

“(E) the date of entry and port of entry;

“(F) the date of the alien's enrollment in an approved institution of higher education, other approved educational institution, or designated exchange visitor program in the United States;

“(G) the degree program, if applicable, and field of study; and

“(H) the date of the alien's termination of enrollment and the reason for such termination (including graduation, disciplinary action or other dismissal, and failure to enroll).”

(3) REPORTING REQUIREMENTS.—Section 641(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)) is amended by adding at the end the following new paragraph:

“(5) REPORTING REQUIREMENTS.—The Attorney General shall prescribe by regulation reporting requirements by taking into account the curriculum calendar of the approved institution of higher education, other approved educational institution, or exchange visitor program.”

(b) INFORMATION REQUIRED OF THE VISA APPLICANT.—Prior to the issuance of a visa under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend

an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), each alien applying for such visa shall provide to a consular officer the following information:

(1) The alien's address in the country of origin.

(2) The names and addresses of the alien's spouse, children, parents, and siblings.

(3) The names of contacts of the alien in the alien's country of residence who could verify information about the alien.

(4) Previous work history, if any, including the names and addresses of employers.

(c) TRANSITIONAL PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act and until such time as the system described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (as amended by subsection (a)) is fully implemented, the following requirements shall apply:

(A) RESTRICTIONS ON ISSUANCE OF VISAS.—A visa may not be issued to an alien under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless—

(i) the Department of State has received from an approved institution of higher education or other approved educational institution electronic evidence of documentation of the alien's acceptance at that institution; and

(ii) the consular officer has adequately reviewed the applicant's visa record.

(B) NOTIFICATION UPON VISA ISSUANCE.—Upon the issuance of a visa under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)) to an alien, the Secretary of State shall transmit to the Immigration and Naturalization Service a notification of the issuance of that visa.

(C) NOTIFICATION UPON ADMISSION OF ALIEN.—The Immigration and Naturalization Service shall notify the approved institution of higher education or other approved educational institution that an alien accepted for such institution or program has been admitted to the United States.

(D) NOTIFICATION OF FAILURE OF ENROLLMENT.—Not later than 30 days after the deadline for registering for classes for an academic term, the approved institution of higher education or other approved educational institution shall inform the Immigration and Naturalization Service through data-sharing arrangements of any failure of any alien described in subparagraph (C) to enroll or to commence participation.

(2) REQUIREMENT TO SUBMIT LIST OF APPROVED INSTITUTIONS.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall provide the Secretary of State with a list of all approved institutions of higher education or other approved educational institutions that are authorized to receive nonimmigrants under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES AUTHORIZED TO ENROLL OR SPONSOR CERTAIN NON-IMMIGRANTS.

(a) PERIODIC REVIEW OF COMPLIANCE.—The Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct periodic

reviews of the institutions certified to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)). Each review shall determine whether the institutions are in compliance with—

(1) recordkeeping and reporting requirements to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of that Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)); and

(2) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE VISITORS.—

(1) REQUIREMENT FOR REVIEWS.—The Secretary of State shall conduct periodic reviews of the entities designated to sponsor exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(2) DETERMINATIONS.—On the basis of reviews of entities under paragraph (1), the Secretary shall determine whether the entities are in compliance with—

(A) recordkeeping and reporting requirements to receive nonimmigrant exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)); and

(B) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(c) EFFECT OF FAILURE TO COMPLY.—Failure of an institution or other entity to comply with the recordkeeping and reporting requirements to receive nonimmigrant students or exchange visitor program participants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (M), or (J)), or section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), may, at the election of the Commissioner of Immigration and Naturalization or the Secretary of State, result in the termination, suspension, or limitation of the institution's approval to receive such students or the termination of the other entity's designation to sponsor exchange visitor program participants, as the case may be.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN BORDER CROSSING IDENTIFICATION CARDS.

Section 104(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended by striking "5 years" and inserting "6 years".

SEC. 602. GENERAL ACCOUNTING OFFICE STUDY.

(a) REQUIREMENT FOR STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the feasibility and utility of implementing a requirement that each nonimmigrant alien in the United States submit to the Commissioner of Immigration and Naturalization each year a current address and, where applicable, the name and address of an employer.

(2) NONIMMIGRANT ALIEN DEFINED.—In paragraph (1), the term "nonimmigrant alien" means an alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a). The report shall include the Comptroller General's findings, together with any recommendations that the Comptroller General considers appropriate.

SEC. 603. INTERNATIONAL COOPERATION.

(a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—The Secretary of State and the Com-

missioner of Immigration and Naturalization, in consultation with the Assistant to the President for Homeland Security, shall jointly conduct a study of the alternative approaches (including the costs of, and procedures necessary for, each alternative approach) for encouraging or requiring Canada, Mexico, and countries treated as visa waiver program countries under section 217 of the Immigration and Nationality Act to develop an intergovernmental network of interoperable electronic data systems that—

(1) facilitates real-time access to that country's law enforcement and intelligence information that is needed by the Department of State and the Immigration and Naturalization Service to screen visa applicants and applicants for admission into the United States to identify aliens who are inadmissible or deportable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(2) is interoperable with the electronic data system implemented under section 202; and

(3) performs in accordance with implementation of the technology standard referred to in section 202(a).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of State and the Attorney General shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).

SEC. 604. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed to impose requirements that are inconsistent with the North American Free Trade Agreement or to require additional documents for aliens for whom documentary requirements are waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO APPEAR AFTER RELEASE ON OWN RECOGNIZANCE.

(a) REQUIREMENT FOR REPORT.—Not later than January 15 of each year, the Attorney General shall submit to the appropriate committees of Congress a report on the total number of aliens who, during the preceding year, failed to attend a removal proceeding after having been arrested outside a port of entry, served a notice to appear under section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)), and released on the alien's own recognizance. The report shall also take into account the number of cases in which there were defects in notices of hearing or the service of notices of hearing, together with a description and analysis of the effects, if any, that the defects had on the attendance of aliens at the proceedings.

(b) INITIAL REPORT.—Notwithstanding the time for submission of the annual report provided in subsection (a), the report for 2001 shall be submitted not later than 6 months after the date of enactment of this Act.

SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICATIONS BY THE DEPARTMENT OF STATE.

The Department of State shall retain, for a period of seven years from the date of application, every application for a nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) in a form that will be admissible in the courts of the United States or in administrative proceeding, including removal proceedings under such Act, without regard to whether the application was approved or denied.

SEC. 607. EXTENSION OF DEADLINE FOR CLASSIFICATION PETITION AND LABOR CERTIFICATION FILINGS.

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking “on or before April 30, 2001; or” and inserting “on or before the earlier of November 30, 2002, and the date that is 120 days after the date on which the Attorney General first promulgates final or interim final regulations to carry out the amendments made by section 607(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002; or”; and

(B) in clause (ii) by striking “on or before such date; and” and inserting “before August 15, 2001;”;

(2) in subparagraph (C), by adding “and” at the end; and

(3) by inserting after subparagraph (C) the following:

“(D) who, in the case of a beneficiary of a petition for classification described in subparagraph (B)(i) that was filed after April 30, 2001, demonstrates that—

“(i) the familial relationship that is the basis of such petition for classification existed before August 15, 2001; or

“(ii) the application for labor certification under section 212(a)(5)(A) that is the basis of such petition for classification was filed before August 15, 2001;”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762A–142 et seq.), as enacted into law by section 1(a)(2) of Public Law 106–553.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 365, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TANCREDO. Mr. Speaker, is the gentleman from New York (Mr. NADLER) opposed to the motion?

Mr. NADLER. No, Mr. Speaker, I am not.

Mr. TANCREDO. In that case, Mr. Speaker, I claim the time of the gentleman from New York (Mr. NADLER) to speak in opposition.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SENSENBRENNER. Did not the Chair recognize me following his statement and I asked unanimous consent pursuant to that recognition?

The SPEAKER pro tempore. The gentleman from Colorado was on his feet, and the Chair recognizes for the 20 minutes, the gentleman from Colorado (Mr. TANCREDO).

Mr. NADLER. Mr. Speaker, in that case I will ask the gentleman from Wisconsin if he will split the time with the minority party.

Mr. SENSENBRENNER. Will the gentleman from New York yield?

Mr. NADLER. Certainly.

Mr. SENSENBRENNER. Because this bill is fairly complicated, Mr. Speaker, I have a statement that may be a little bit more than 10 minutes, but I am happy to cede whatever time I have left to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I thank the gentleman.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Since September 11, we have learned how deeply vulnerable our immigration system is to exploitation by aliens who wish to harm Americans. H.R. 1885 contains House-passed language of H.R. 3525 that makes needed changes to our immigration laws to fight terrorism and to prevent such exploitation. It has strong bipartisan support in the other body. The House has already passed the core of this legislation by wide margins. On May 21, 2001, the House passed a 245(i) extension by a vote of 336 to 43. On December 19, 2001, the House passed the Enhanced Border Security and Visa Entry Reform Act by voice vote.

I will outline some of this bill's most significant provisions. Most importantly, by October 2003, the legislation requires the Attorney General and Secretary of State to issue machine-readable, tamper-resistant visas that use standardized biometric identifiers. This will serve a number of important goals. First, it will allow INS inspectors at ports of entry to determine whether a visa properly identifies a visa holder and thus combat identity fraud. Second, it will make visas harder to counterfeit. Third, in conjunction with the installation of scanners at ports of entry to read the visas, the INS can track the arrival and departure of aliens and generate a reliable measure of aliens who overstay their visas. As we have all learned, some of the September 11 terrorists were staying in the United States on expired visas.

Mr. Speaker, H.R. 1885 extends the same biometric identifier requirements to passports from visa-waiver program countries. The necessity for this was demonstrated when our military found blank European passports in abandoned al Qaeda caves in Afghanistan. We must ensure that passports presented to the INS inspectors are not counterfeit, altered, or being used by imposters.

The bill thus requires that aliens seeking to enter the United States under the visa-waiver program with passports issued after October of 2003 must possess tamper-resistant, machine-readable passports with the same biometric identifiers as our visas.

The bill also requires that within 72 hours after notification by a foreign government of a stolen passport, the Attorney General shall identify its identification number into a data system accessible to INS inspectors at ports of entry. In addition, the Secretary of State and Attorney General shall consider, in deciding whether to

keep a country in the visa-waiver program, whether its government reports to us on a timely basis the theft of its blank passports.

Building upon the enhanced data-sharing requirements of the USA Patriot Act, the bill directs our law enforcement agencies and intelligence community to share information with the State Department and the INS relevant to the admissibility and deportability of aliens. This information will be made available in an electronic database which will be searchable based on the linguistically sensitive algorithms that account for variations in name spellings and transliterations. This will result in lookout lists that are much more thorough and prevent terrorists who threaten our Nation from obtaining U.S. visas or entering our country.

As the Border Patrol succeeds in controlling the border, more aliens take a chance at penetrating the ports of entry, placing an ever-increasing strain on the limited staff of INS inspectors. Likewise, INS investigations units have long been denied adequate personnel. The bill helps fill these critical gaps. It authorizes appropriations to hire at least 200 full-time inspectors and at least 200 full-time investigators each year through fiscal year 2006.

Another long-standing problem at the INS is the low pay for Border Patrol agents and INS inspectors. This has led many trained Border Patrol agents and inspectors to leave the INS for other law enforcement agencies offering better pay, such as the air marshals. Something is wrong when former Border Patrol agents make up 75 percent of the first air marshals class. This bill authorizes appropriations to increase the pay of Border Patrol agents and inspectors in order to help the INS retain its best people.

The bill provides that aliens from countries that sponsor international terrorism cannot receive non-immigrant visas until it has been determined that they do not pose a threat to the safety of Americans or the national security of the U.S.

Mr. Speaker, U.S. embassies and consulates abroad will be required to establish terrorist lookout committees that meet monthly in order to ensure that the names of known terrorists are routinely and consistently brought to the attention of consular officials, America's first line of defense.

With the same goal in mind, the bill requires that all consular officers responsible for adjudicating visa petitions receive specialized training and effective screening of visa applicants who pose a potential threat to the safety and security of the United States.

The bill strengthens the foreign student tracking system by requiring that it track the acceptance of aliens by educational institutions, the issuance of visas to the aliens, and then admission into the United States of the aliens, the notification of education institutions of the admission of aliens

slated to attend them, and the enrollment of the aliens at the institutions. No longer will terrorists be able to enter the U.S. on student visas with the INS never knowing that they failed to show up at school.

The bill requires that each commercial vessel or aircraft arriving in the U.S. provide, prior to arrival at the port of entry, manifest information about each passenger and crew member. Starting in 2003, the information will have to be provided electronically. Prearrival of manifests allow much of the INS's screening work to be done before arrival. This not only speeds processing for arriving passengers, but gives INS inspectors more time to conduct background checks on and to interview passengers.

Finally, the bill requires the President to conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.

Finally, H.R. 1885 contains a compromise reached with the other body on the future of section 245(i) of the Immigration and Nationality Act. No one will be entirely satisfied with this compromise; however, it reflects a judicious balancing of the many divergent and deeply held views Members hold on 245(i).

When Congress passed the LIFE Act in December 2000, we made a promise to give U.S. citizens and permanent residents at least 4 months time to file immigrant visa petitions for their relatives using section 245(i). This promise was not fulfilled because the INS was typically unable to issue implementing regulations until March 2001.

Mr. Speaker, this bill will allow qualifying illegal aliens to unify section 245(i) as long as they have had green card petitions filed on their behalf by the earlier of November 30, 2002, or 4 months after the date the Attorney General issues implementing regulations. It also requires that aliens must have entered into the family relationships qualifying them for permanent residence by August 14, 2001. With this compromise, we have signaled that 245(i) will not become a permanent part of our immigration law and that aliens should not base their future actions on the assumption that it will be. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Wisconsin, as is usually the case, did an excellent job in explaining the aspects of this particular piece of legislation. What he said was, for a long period of time, that we are dealing with an act that has been referred to as the Enhanced Border Security and Visa Entry Reform Act. He spent 90 percent of the time explaining what that act is all about, and enhancing the visa protection provisions of the law is something with which I wholeheartedly agree. As a

matter of fact, this particular part of the bill is something with which the entire House agreed because we passed it already. This part of the bill is done. It is finished. It passed this House by voice vote and went over to the Senate some time ago.

So then what are we dealing with here? It is not, in fact, the Enhanced Border Security and Visa Reform Act, because that is done, it is finished, it is over with. What we are really doing here, and the only reason why we are here today, is to provide amnesty, amnesty for people who are here illegally. That is why we are on the floor today. It is not for the Enhanced Border Security and Visa Entry Reform Act.

□ 1445

It is done. It is being held up by one Member on the other side. That is their problem, not ours.

This will not enhance our ability to get that law passed; this only makes it much more difficult because, of course, this does exactly the wrong thing. Regardless of how narrowly we try to define the scope of this amnesty act, it is in fact still amnesty. What we are telling the world and telling people who are here, came here legally, waded through the process, did all the right things, what we are telling them is, Do you know what? You are a bunch of suckers for doing it.

What we are telling every single person all around the world who is in line, waiting, filling out the applications, going to the embassies and doing it right, what we are telling them is, You are a bunch of suckers. Here is the way to get into the United States and to get in the line for citizenship: Sneak in. Stay under the radar screen, get married, and even a bogus marriage document will do; because believe me, plenty of those developed, sham marriages, the last time we did this; Get a job, or at least present to the INS some indication that you have been employed; all of these things. Just do this, sneak in under the radar, stay here long enough, and do not worry, we will give you amnesty. That is what we are doing in this bill. That is the real purpose of the bill.

As I say, all the rest of this stuff we have already passed. We are here for only one purpose, to grant amnesty. Again, we have done it. We did it in 1986. I assure the Members that the result of this will not be to have just simply the legally residing citizens of the country and all the rest of the folks who our hearts can go out for, it will not be to give them a better chance at the American dream. What it will do is exactly the opposite thing we want to accomplish here.

We want people to come into the United States legally. That is why we set up a system. Admittedly, it is a flawed system, because it is turned over to the Mickey Mouse agency of the Federal Government we call the INS. But it is, nonetheless, the system we have established, that in order to

come to the United States, they must have our permission. They come by visa or come in under some other status, but they do so legally.

After all, we purport to be a nation of laws; we say that all the time. But this is absolutely the antithesis of that. This is saying, Break the law, come here illegally, and we will in fact reward you for it. This is why we have to vote no on this resolution, because it has absolutely nothing to do with enhanced border security and visa entry reforms. We have already passed it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. NADLER), and I ask unanimous consent that he may be permitted to yield portions of that time to other Members.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1885 combines the Enhanced Border Security and Visa Entry Reform Act with a short extension of section 245(i) of the immigration laws.

I plan to support this legislation, in part because the border security piece will strengthen the security of our borders and enhance our ability to deter potential terrorists while balancing the needs of law enforcement. We have been vigilant in protecting the civil rights upon which this Nation depends.

As for section 245(i), we should be extending it permanently. Instead, this bill provides only a modest extension. In fact, what the bill gives with one hand it actually takes away with the other. While it appears to extend section 245(i) until November 30, 2002, many people will not qualify because of the additional requirement that eligibility for section 245(i) be established prior to August 15, 2001, last year. Unfortunately, this bill is insufficient in time and stingy in scope.

If the last extension is any guide, H.R. 1885 will cause great panic among immigrants, and create an opportunity for fraudulent immigration advisors or "notarios."

In contrast, a full restoration of section 245(i) to what it was before 1998 would allow the thousands of law-abiding immigrants who are on the brink of becoming permanent residents to apply for their green cards while in the United States. It would allow wives, husbands, and children of U.S. citizens and permanent residents to stay together in the United States, rather than being forced to leave the country, sometimes for years, to apply for their green card.

I cannot understand how anyone who claims to support family values, who thinks that it is useful for children to have two parents together, not one here and one in another country for

several years, could oppose the permanent extension of section 245(i).

Section 245(i) is not an amnesty for immigrants, it is simply a device to ensure that while permanent residents married to American citizens, people who have completed all their requirements, are waiting for the bureaucracy of the INS to complete their work, they not be forced to leave their families and go abroad for months or years.

If the administration and House leadership are serious about helping immigrants and are serious about our relationship with Mexico, then we should be passing immigration laws that do far more than this bill does; at the very least, a permanent extension, not a mere 2-year extension of section 245(i).

While I support this legislation, we should be considering a full restoration of section 245(i). We will continue to push for such an extension until the administration and the leadership of the House agree to it and we accomplish full restoration of section 245(i).

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in opposition to H.R. 1885. I supported H.R. 3525 when we focused on border security, but H.R. 1885, with its amnesty, reminds me of a bowl of ice cream, and I am an ice cream liker. H.R. 3525 was a bowl of ice cream. When they added the amnesty provisions to it, they rammed a hot poker into that bowl of ice cream, and it all melted and it was not fit to eat.

H.R. 1885 rewards law-breakers. They can walk across the Rio Grande, they can walk across the Canadian border, and thousands who have waited in line, they should be told, You should not have waited. You should not have tried to follow the law. Avoid the interview in your native country, just walk on in. Breaking the law does not matter.

If we pass this today and it passes the other body and becomes law, they will say, Uncle Sam is on our side. In the southwestern United States, there are some who take the position that, We did not cross the border, the border crossed us.

I want to preserve our borders as they are today. I do not want to go back to pre-1845. If we pass legislation like this, the southwestern United States could become like Quebec. We do not need separatist movements in this country, we need to stand for the United States of America as it is today.

I urge Members to defeat H.R. 1885.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes, the balance of my time, to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the one important feature of this legislation which I support and which makes it stand out from all of the other provisions is that which

has to do with tightening up on those who have overstayed their visas. As we know, many of the terrorists who hit the World Trade Center and the Pentagon were people who were identified later as having overstayed their visas, so that by itself attracts me to support this piece of legislation.

But I have another reason why I may vote against this, even though I am one of the best friends that Mexico has and that the border control advocates have in this entire question; that is, I have a personal pique with the Government of Mexico.

Right after September 11, I think in October, when our economy was reeling with the adverse effects of those attacks, OPEC, and I am talking about OPEC, they decided to cut production of oil, meaning higher prices down the line for the American consumer. They did this in the face of an economy that was losing strength by the minute.

Now, I took heart when Mexico decided not to go along with OPEC, and I began to applaud our neighbor to the south. Then, all of a sudden, there was a change, and Mexico decided to join with OPEC against the United States in cutting oil production. The price rises that we see right now happening at the pump are a direct result of the OPEC-guided decision with which Mexico joined, and will bring about massive dislocation to our gas prices in the next few months.

This plays heavily with me in the final determination of this issue.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant but in absolute opposition to the legislation we debate here today. My friend, the gentleman from Colorado (Mr. TANCREDO), made the salient point, echoed by my colleague, the gentleman from Virginia (Mr. GOODE): Border security measures have been passed in previous legislation. The operative provision we are dealing with in this House at this time is amnesty.

There is a fundamental disconnection, and I welcome my friend, the gentleman from New York (Mr. NADLER) speaking of family values. Yes, everyone, regardless of political philosophy or partisan stripe, should champion family values. But then, should we also champion a disdain for the law? For here is what is transpiring today: This will reward illegal immigrants by granting them a benefit simply because they broke our laws and did not get caught, or more appropriately, the laws were not enforced.

Mr. Speaker, I believe there is still a tremendous opportunity to work with the Republic of Mexico, to work with President Fox, to set up a reasonable, rational, accountable means to see who travels back and forth across our southern border. I daresay the same should apply to our neighbors to the north in Canada.

But, Mr. Speaker, we are a nation at war. In the midst of this conflict, at this time, in this place, why would we seek to dilute the laws of this Nation with respect to sovereignty?

Mr. Speaker, lest the propagandists of the politically correct deliberately distort, let me make this clear: I welcome constructive dialogue. I welcome an opportunity for a full accounting of those who come here for economic opportunity. But I categorically reject the message this House will send today if we say, Forget about the law, come on in. You did not get caught. Congratulations.

That is what this legislation is about, and that is why I oppose it. At the very least, Mr. Speaker, the \$1,000 payment from each individual who comes here, every bit of that \$1,000 payment from all the individuals should go to try to strengthen our borders.

But Mr. Speaker, I would go further. Because we are a nation at war, this House and this government should seriously consider a moratorium on immigration until we put in place biometric devices so we know exactly who is coming into this country, whether from our southern border, our northern border, or via shipping containers, which we can only eyeball right now to the extent of 2 or 3 percent.

If nothing else, the American people understand we are a Nation at war, and we dare not send messages to terrorist states that somehow we will dilute our enforcement. No, the contrary is true: We need to enforce the laws, and we need to work productively with the Republic of Mexico and others.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell the gentleman, I am more worried about bombs in the containers than about immigrants in the containers.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), a great supporter of administration reform.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the Chair for bringing us this bill. I speak in favor of the bill, and I want to talk to part of the bill that has not been fully vetted yet.

Mr. Speaker, I would say to the gentleman from Arizona (Mr. HAYWORTH), if he is interested in security at a time of war, let us remember that in this bill we have 1,000 extra INS inspectors authorized to help us secure the border, 200 INS inspectors and investigators each year added for the next 5 years.

□ 1500

I will tell my colleagues, I represent the biggest city on the southern border, San Diego. Soon I will represent the whole California border with Mexico. We are interested in securing at this time of war; but we are also interested in making sure our economy stays strong, and the gentleman from Arizona (Mr. HAYWORTH) ought to

know, since his own State is also involved in this, that the legal crosser from Mexico, the shopper, the family member, the person going to school, the legal crosser, sustains our border economy to a great degree.

My communities in Calexico and Tecate and San Diego rely 90 percent on the legal crosser to keep our economy going. We can do both, Mr. Speaker. We can have the security that we need, and we can have the free movement that our economy also requires. That means we need more people and we need better technology to guard the borders.

That is what this bill is moving toward. We are moving toward more inspectors so we can make sure that we keep out illegal people, drugs and terrorists; but we also need for people not to have to wait 3, 4, 5, 8 hours at the border for a legal crosser to go to school legally, to shop legally, to see their family members legally. That is what the border communities are interested in. Yes, security; yes, protection. But let us have that binational culture that is so much a part of our southern border, not just cut off at this time of emergency.

We can do both, Mr. Speaker. We can keep the security. We can keep the flow for commerce that is necessary.

I support this bill.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. ROHRBACHER), who is certainly well known as an expert on this issue.

Mr. ROHRBACHER. Mr. Speaker, I rise in strong opposition to this legislation which would permit those people who are in this country illegally to thwart our laws and to become legal residents of our country, thus insulting all of the immigrants who have obeyed our laws and are standing in line throughout the world. The parliamentary shenanigans we are witnessing today to try to get this legislation through to extend amnesty to these illegal aliens is unworthy of this body, this representative body, and is bound to confuse our constituents.

What this is about is an amnesty for illegal immigrants. It is not about strengthening the border. It is about making the efforts that we have already taken to strengthen the border meaningless by granting amnesty to people who are in this country illegally.

The administration and Members of this body talk a good game about increasing our national security while here right now undermining this country's ability to find and deport terrorists who are among us.

If this vote today passes, we make the INS reforms already passed by this House meaningless. Why demand that aliens receive biometric ID cards, as we just heard about, or strengthen the border guards when illegal aliens will be able to pay \$1,000 and forge some paperwork and become a citizen? What good does it do to perform a home

country background check on an alien when we cannot perform a home country background check on an illegal alien?

I might remind this body that 245(i) only rewards illegal immigrants. It can talk about families being separated. I believe that if families are separated and someone is here illegally they should go home to their home country to be with their home family; but if they are here illegally, that is different than if they are here legally. We actually have in place now programs in the United States Government to help people who are here legally to be reunited with their family.

No, the only thing we are doing today is rewarding those people who have broken our laws and come here and overstayed their visas and are here illegally. We are rewarding them above the people who have been standing in line throughout the world, hoping to come to the United States by obeying our laws. If aliens are here illegally, they should return home to their own countries and go through the same process that we demand of people who are trying to immigrate legally here. They should have the background checks so that we can cut off the terrorists before they come here.

By allowing this to happen today, by saying if someone is here illegally that they can stay in our country and not have that home country check on them before they arrive here, we are bound to let terrorists through the network.

We are weakening our protection of our country. I stood on this floor in 1996 and again in 1997 and begged this body to consider our national security when rewarding illegal immigration. I can understand why people might have thought that I was reacting then; but in light of what has happened since September 11, we should never permit a weakening of the investigation and background checks of illegal immigrants into this country.

One last point is, by granting amnesty to these people who are in our country illegally, we are asking for another massive flow of illegal immigration into this country. It is wrong, it is wrong, it is wrong. We should vote against it.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) and all of my colleagues, and I want to thank the gentleman from Illinois (Mr. HASTERT) for putting this on the agenda and President Bush for having asked, as well, that it be put on the agenda.

The legislation is important, does a number of important things in the field of hiring and training government personnel and appropriations for improvement in technology and infrastructure, measures for access to and coordination of law enforcement and other information, implementation of an inte-

grated entry and exit data system, machine readable tamper resistant entry and exit documents, a whole gamut of very important improvements in the area of immigration control.

Some of my very good friends, and I have the highest esteem and admiration for my colleagues on the floor today, but they have been seeking to make this legislation into something that it is not with regard to 245(i). Section 245(i) only benefits people who are eligible for lawful permanent residence in the United States. If they are eligible for lawful permanent residence in the United States, then they can utilize 245(i). In other words, they do not have to leave the country to become a lawful permanent residence of the United States. That is the issue with 245(i).

This is a temporary extension of that. It is a commonsense measure. Why is it supported by an overwhelming consensus of political viewpoints and the President of the United States? Because it is a common sense measure. A constituent of mine recently told me that should not be controversial, that is a commonsense measure; and I have been calling it that ever since, Mr. Speaker.

So that is why I am confident that today the national consensus, obviously in our democracy as in all democracies we can never have unanimity, and I have great friends, great friends on the other side of this issue; but there is a national consensus on behalf of commonsense measures, like if someone is eligible for permanent residence they have to leave the country in order to get it. That is what we are discussing with regard to 245(i), Mr. Speaker; and this underlying legislation, as I said before, contains other very important measures that I hope and expect and certainly would urge my colleagues to support today.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO) for yielding me the time; and notwithstanding some of the good features in this bill, I rise in opposition to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws, the so-called 245(i).

We are, on one hand, deporting some who have violated the term of their visas; and with the other hand, with this legislation, we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who have violated the law. Section 245(i) empowers visa holders to flout the law and game the system. They will know that the terms of their visa

are irrelevant because they can pay a \$1,000 fine to convert from illegal status to legal status.

It also sends a mistaken message to thousands of people who are following the legal immigration channels to the United States Government, and it sends a signal that the United States Government does not take its immigration laws seriously. This can only foster more illegal immigration by adding an incentive to stay in the U.S. illegally.

Under current law, those who overstay their visas are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years, and those who overstay for more than a year are barred from reentering the United States for 10 years. These penalties are not arbitrary. They are there to send a signal that we will enforce our visa laws.

This extension of 245(i) provisions sends the opposite signal. I want to also add, and this is an issue that concerns me about this legislation, and it relates to the way things have changed since September 11.

There were, as I understand it, 114,000 illegal immigrants from the Middle East according to the Census Bureau after the time of September 11. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated there are sleeper cells of terrorists already residing in the United States awaiting terrorist assignments.

I ask the question, will this bill allow some of those sleepers to slip through the cracks by paying \$1,000 and readjusting their status? I believe we simply do not know. Despite the best intention of officials with the administration and the Immigration and Naturalization Service, I feel that the risk to the United States is too high and that we should not be relaxing our laws.

Finally, I would like to say that I object to the manner in which this subject is being considered today.

Mr. Speaker, I am opposed to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws—commonly referred to as an extension of 245(i). This provision is at conflict with everything we are trying to do to enhance our border security and ensure compliance with U.S. immigration laws. With one hand we are deporting some who have violated the terms of their visa and with the other hand we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who violate the law. The extension of 245(i) does not strengthen our immigration policy. Instead, it weakens it. 245(i) empowers visa holders to flout the

law and “game” the system. They will know that the terms of their visa are irrelevant because they can pay a \$1,000 fine to convert from illegal status to legal status.

It also sends the mistaken message to thousands of people who are following legal immigration channels that the U.S. Government does not take seriously our immigration laws. This will only foster increased illegal immigration by adding an incentive to stay in the United States illegally.

Under current law, those who overstay their visa are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years and those who overstay legal permission to be in the United States by a year or more are prohibited from reentering the country for 10 years. These penalties aren't arbitrary. They are designed to let visa holders know we are law-abiding nation. They are designed to compel nonimmigrants to respect the terms of their visa. A 10-year prohibition is supposed to signal how serious we are about enforcing our laws.

Law-abiding nonimmigrants understand this. They are waiting for their family members and loved ones to join them as soon as they are granted legal permission. But 245(i) gives unlawful nonimmigrants a leg-up from those that are patiently waiting for the system to work. I think we should give a higher priority for citizenship to those who have demonstrated their willingness to live by our laws. 245(i) does just the opposite.

In addition to my concerns about the duplicitous nature of extending 245(i), this bill poses a significant national security risk. This bill does not take into account how our world has changed since September 11, 2001. It makes no provision to exclude individuals who are here illegally from countries that sponsor or host terrorism.

Earlier this year the Census Bureau reported 114,000 illegal immigrants from the Middle East were present in the United States. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated that there are “sleeper cells” of terrorist already residing in the United States awaiting their terrorism assignments. Will this bill allow some of these sleepers to slip through the cracks and readjust their status? We simply do not know.

The threat to America still exists. We are still on heightened alert overseas and here at home. Let us not be naive in our diplomatic efforts which may have the unintended consequence of threatening all of the good work that has been accomplished regarding homeland security.

I also object to the manner in which this subject is being considered today. As a Member of Congress, I would like the opportunity to amend this bill to have a straight up or down vote on whether or not we should extend 245(i). My guess is that if we had a straight up or down vote on this matter today, caution would prevail and the extension of amnesty for illegal immigrants would fail.

We should at least be permitted to vote to restrict granting amnesty to those that may pose a security risk.

I have introduced, H.R. 3286, which would place a temporary moratorium on all immigration from 13 countries known to house and

train terrorists until the Attorney General certifies that the technological and security enhancing measures Congress has approved have been fully implemented. This is prudent policy because it takes into account the real terrorism threat from countries like Afghanistan, Algeria, Syria, Libya, and the United Arab Emirates as we work to improve our immigration system.

The bill before us today simply asks Congress to “rubber stamp” amnesty for illegal immigrants across the board. As I represent my constituents, I cannot in good conscience go along with this. It is for these reasons that I plan on voting against this bill and I encourage my colleagues who are concerned about our national security to vote against this bill as well.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

(Mr. CANNON asked and was given permission to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing a final version of this important enhanced border security bill to the floor today.

This bill contains many important provisions that will increase the funding and training for those charged with securing our borders. It will upgrade technology and produce counterfeit-proof visa documents. It is a good step toward more effective enforcement; and to answer the gentleman's question who just spoke a moment ago, the extension of 245(i) is not going to allow people who are in sleeper cells to stay. The enforcement is going to be much better effected in the course we have proposed in this bill today.

I want to address two particular criticisms of the temporary extension of section 245(i) contained in the bill today which are simply false. Opponents have attempted to characterize this provision as amnesty for millions of illegal aliens and, secondly, a threat to our national security. Neither allegation can be further from the truth.

This is not amnesty. Section 245(i) benefits a limited pool of people that the Immigration and Naturalization Service has already determined should be able to become permanent legal residents based on their family or employment relationships. The issue is not whether these immigrants are eligible or not. The issue is not when they could become United States permanent residents, but rather, where they may apply to become permanent U.S. residents.

Section 245(i) could be used only by certain prospective lawful permanent residents under close and careful scrutiny of Federal authorities. People using section 245(i) are required to be otherwise eligible to become permanent residents. The eligibility requirements for those applying under section 245(i) are identical to the screening process for those applying abroad.

This is no threat to national security. Not a single one of the September 11 attackers was eligible for adjustment under 245(i), but some were issued

valid documents by our overworked U.S. consulates overseas rather than being screened here in the United States by the Immigration and Naturalization Service, which has the technology and the resources to do that screening.

Mr. Speaker, seeing my time is about to expire, let me urge my colleagues to support this bill. I think it is a good bill and it advances our interests.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Colorado (Mr. TANCREDI) has 4½ minutes. The gentleman from New York (Mr. NADLER) has 1 minute remaining and the right to close.

Mr. TANCREDI. Mr. Speaker, I yield myself such time as I may consume.

If somebody stood on this floor and experienced that old *deja vu* thing, when we talk about *deja vu*, I think we have seen this before, we have, in fact. It is called the Enhanced Border Security and Visa Entry Reform Act, but we passed it. So please do not be confused by the rhetoric on the floor here that it is centered on that part of the bill.

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It is a good part of the bill. I support that part of the bill. But there is no reason to support it again because, guess what, we passed it. It is done. It is over there.

What we have here is the same wording, they drug that back up, and stuck amnesty onto it so as to essentially, I would guess, well, I do not know, and I will not judge the motive, but I will simply say that it is somewhat confusing for Members when they think that they might be coming up here to vote on enhanced border security and, in fact, of course, they have already done it.

In terms of whether or not we can rely upon the INS to accurately and conscientiously do the background work to determine whether or not the people who are making application are in fact legitimate in their request, let me just bring to the attention of my colleagues the most recent in a series of incredible, scathing reports about the INS. This one happens to be February 15. A GAO report finds pervasive and serious problems with immigration benefit fraud. In just one part here, a 90 percent fraud rate was found in the review of a targeted group of 5,000 petitions. These are the same kinds of things we are talking about here.

A 90 percent fraud rate. A follow-up analysis of about 1,500 petitions found only one was not fraudulent. One. And we are turning this task, the task of determining who is going to be able to come into the country, whether or not they have been truthful in the information they have brought to the INS, we are entrusting this entity with that challenge.

It is unfortunate, but true, that in the past when we did this, when we had another amnesty, admittedly broader in scope, but nonetheless an amnesty

program in 1986, and one of the individuals who ended up as a perpetrator in the original bombings of the Federal building in New York, the office tower in New York, was someone who slipped through the cracks of that particular amnesty. He had been given amnesty on an agricultural visa because, of course, he lied and nobody checked, and nobody cared.

And it is not that much different today. It is astounding to me that we are on this floor debating this possibility of amnesty and turning it over to the INS to have them determine whether or not this is a legal applicant or a legitimate applicant. They have not the foggiest idea.

I assure my colleagues that when this passes, if this passes, and passes the other body, there will be a flood of applications. There will be literally millions. I would venture to guess that there will be millions of applications filed, and then the INS will have the responsibility of opening up the box at some period of time and going, "Gee whiz, what are we going to do with this?" I know exactly what they will do. They will get out this big stamp that says "Approved" and stamp it and dump it over here, because that is what they have done in the past.

To suggest there is some degree of true conscientiousness in this process with the INS is ludicrous. We know that is not true. Every single member of this Committee on the Judiciary knows that it is not true. If anybody saw "60 Minutes" the night before last knows that even "60 Minutes" is aware of how incompetent this agency is. And this is the entity to whom we are going to entrust the responsibility for this Nation's safety.

Regardless of who we think these people might be, no matter how pleasantly we paint the picture of who they are, just waiting to stay, the fact is, they are here illegally, or else, of course, we would not need to pass a law. They broke a law when they came into the country. There are all kinds of people trying to do it the right way. And to them we say, "Hey, you know what, you really are stupid. You are really a big sucker. Why not do it this other way? Why not sneak in? Why not put pressure on the political establishment?" Because, believe me, in a while we will cave in and we will have another amnesty, and another one and another one.

I encourage my colleagues not to be confused about this other language about visa reform. It has nothing to do with this bill. We have already passed it. We are dealing with amnesty here. Defeat it.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

A lot of references have been made to 9-11 in this debate today. 9-11 occurred in my district. I would remind people that the people who committed that dastardly act were in this country legally. So this bill has nothing to do with them, nothing to do with them.

Also, the gentleman from Colorado (Mr. TANCREDI) says the people we are talking about, under section 245(i), came into this country illegally. No, they did not. They came in legally under a tourist visa or a student visa or a work visa, and they met all the requirements over the years to get a green card and a permanent residence. But the bureaucracy of the INS frustrated them by delaying approval of that green card, and completion of the bureaucratic work passed the expiration of their visa. For that reason, under current law, they have to leave the country.

They may have to leave their family. Perhaps they married while in America and perhaps they have children who are American citizens. They have to leave their country, go abroad, perhaps for years, reapply, and then wait for the INS bureaucracy to finish what they should have finished beforehand.

That is cruel. That is separating families from American citizens. That is unnecessary. That is all we are talking about here. All talk about amnesty and terrorism is nonsense and irrelevant to this bill, and so I urge the passage of this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Enhanced Border Security and Visa Entry Reform Act. This is important legislation that builds up our security against future terrorist attacks. I am, however, disappointed in the scope of the 245(i) extension included in this bill. I believe this 245(i) extension is insufficient in time and stingy in scope.

The White House has continually stated support for an extension of 245(i) for 6 to 12 months. This new proposal of a limited 4-month extension with restrictions is not consistent with the spirit of President Bush's letter where he advocated for policies that strengthen families and recognized that there was not enough time with the previous four-month extension.

In December 2000, when Congress passed a 245(i) extension that expired April 30, 2001, it took the INS over 3 months to issue the new regulation, causing great panic and confusion among immigrants and creating an opportunity for unscrupulous and fraudulent immigration "advisors." While this new provision will help some individuals and families, it will need new regulations and there will be delays and chaos similar to what happened last time.

A 245(i) provision helps people in this country who otherwise qualify for legal permanent residency. It is not an amnesty, but rather a way for people with deep roots in this country to reunite their families and work their way towards citizenship and full participation in their adopted country. A meaningful extension must go beyond 4 months and should not impose new arbitrary requirements.

At this time, I support this proposal because it is a step in the right direction, but I urge my colleagues to continue discussions and continue to work to pass and implement a comprehensive solution for families that are separated from their loved ones.

Mr. SERRANO. Mr. Speaker, I rise in support of H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act of 2002, that is before the House today. This bill will extend Section 245(i) of the Immigration and Naturalization Act to certain immigrants as well as

incorporate the provisions of H.R. 3525 which would help us in our fight against terrorism by generally strengthening border security. I voted for both of these bills in the past and continue to support their goals as represented in today's bill.

I support today's bill because it recognizes, at least on a limited level, the needs of certain immigrants who have strong ties here, have families here, have jobs and pay taxes here. This bill is also important because it recognizes that we must protect ourselves against further terrorist threats.

However, though on 245(i) this is a step forward, we must recognize that is only a small step. As I have said before and will say again, the 245(i) debate is not over. While this bill extends 245(i) to immigrants who were physically in the United States on December 21, 2000, and have established family or work ties on or before August 15, 2001, that is not enough. We must work for permanent reinstatement of 245(i). This bill today will move us in the right direction, but we need to work on a permanent solution. To stop the debate at this point would prevent us from securing a more meaningful extension of the provision for individuals with established lives, who work hard and contribute to our society.

Without supporting a permanent extension of 245(i), the Republican leadership in the House fails to adequately recognize the importance of reuniting immigrant families and the important role that these individuals and their families play in promoting our country's prosperity. It is long overdue and we must continue to push for permanent extension of 245(i).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong opposition to H.R. 1885 and its provision to extend Section 245(i) of the Immigration and Naturalization Act.

I support the foundation of H.R. 1885. It is designed to reform and enhance border security and visa screening procedures. As we mark the six-month anniversary of the attack on America, we need to take these important steps to bolster homeland security and protect our citizens and institutions.

That's why I am outraged that this Administration and this Congressional Leadership would support inserting the Section 245(i) extension into this bill. In my opinion, the two major provisions of H.R. 1885 work at dangerous cross-purposes. While the border security and visa screening reforms will enhance homeland security, the 245(i) extension will actually jeopardize homeland security by subjecting illegal aliens to a just cursory domestic police record check before allowing them permanent legal residence here. The extension also rewards individuals who have already violated our U.S. law.

This extension is wrong, dangerously wrong, for important reasons:

It allows hundreds of thousands of illegal aliens to stay permanently without going through face-to-face interviews in our embassies abroad, conducted in their native languages.

It entices millions more foreign nationals to enter the country without screening in hopes that they, too, will be rewarded for their lawbreaking.

It increases permanent U.S. population growth by creating a new tidal wave of amnesty for hundreds of thousands of illegal immigrants and the enticement for millions more to move to the U.S.

Finally, I am deeply concerned that Section 245(i) places the responsibility for background checks with the INS, an agency that has been justifiably criticized for its lack of effectiveness—ineptitude that has been highlighted since 9–11.

Consular officers in embassies overseas, not the INS, should have the responsibility to conduct background checks. They are the ones with the expertise in the language and procedures of the countries in which they are stationed, as well as longstanding relationships with police officials in the home country. Consular officials are the ones who develop hands-on knowledge of local customs, including criminal enterprises and terror groups. That's precisely why they are stationed in-country. They are more prepared and better positioned than INS officials here in the United States to screen potential immigrants effectively.

Mr. Speaker, we are a country of laws. One of the shining principles of our democracy is equal justice under the law. In this context, we cannot choose which laws we will obey and which ones we will ignore.

Extension of 245(i) will send the message around the globe that the United States tolerates and, indeed, encourages individuals to break our immigration laws. By effectively rewarding individuals who either entered the country illegally or overstayed their legal welcome, we are harming thousands of immigrants who played by the rules every year. They followed our procedures. They waited patiently in their home countries for entry visas. Today's debate tells them they were naïve and stupid to wait.

Frankly, I am shocked and appalled that this debate is taking place. Just yesterday, this nation paused to mark the six-month anniversary of the attack on America. Many of my colleagues attended solemn ceremonies in New York, at the Pentagon, at the White House and in Pennsylvania.

And how does this House mark the anniversary? By debating a bill that promotes illegal behavior in our immigration policy and, in the process, leaves our nation vulnerable to potential terror attack.

If September 11th taught us anything, it taught us that no threat to American security can be taken lightly any longer. The Administration, the Congress, the courts, the states, law enforcement, the American people must work together to ensure our national safety. Passage of this extension has the potential to increase the threat to that safety by allowing criminals, ranging from drug pushers to thieves to murderers to suicide bombers, to remain in America legally.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill on the floor today is an amended version of H.R. 1885, which is a bill to extend Section 245(i) of the Immigration and Nationality Act.

Section 245(i) of the Immigration and Nationality Act permits certain undocumented immigrants in the U.S. to adjust their status and become lawful permanent residents.

More specifically, section 245(i) allows persons—who qualify for an immigrant visa by having a close relative or employer petition filed on their behalf, but entered without inspection or otherwise violated their status and thus are ineligible to apply for adjustment of status in the United States—to apply if they pay a \$1,000 penalty.

Not only must an undocumented immigrant be eligible for an immigrant visa and have a visa immediately available to him or her in order to make use of section 245(i), but the person can also not be barred by some other provision of the Immigration and Nationality Act.

Without section 245(i), most undocumented immigrants who are otherwise eligible for an immigrant visa would be required to leave the United States in order to adjust their status. This would subject them to the long bars to their admissibility. Furthermore, it is important to note that Section 245(i) does not protect an undocumented immigrant from deportation if the alien is encountered by authorities prior to his or her visa becoming available; section 245(i) is simply a device that an immigrant can use at the time of his or her adjustment to avoid having to go back to his or her home country to pick up his or her visa.

Section 245(i) was first enacted in 1994 for a three year period. It was reauthorized in 1996, and again in 1997. The reauthorization in 1997 required that only those who had filed applications or petitions for an immigrant visa by January 1998 could make use of it. The 106th Congress extended the filing deadline to April 30, 2001, requiring at that time that applicants be in the United States prior to December 21, 2000.

However, after Congress extended the filing deadline to April 30, 2001, the regulations for section 245(i) were only introduced on March 26, 2001—giving people a month to find out about the law as well as take action and file petitions or applications before the April 30, 2001 filing deadline.

In addition to the short amount of time in which people had access to the regulations, massive misinformation about section 245(i) had been spread—starting out with a widespread belief that 245(i) was a general amnesty, which it was not.

As was estimated, thousands of people who were expected to benefit did not have enough time to file the proper petition or application.

Many of those who waited in lines at INS offices nationwide never made it to the front of the line. And many people were turned away because they were not prepared to file the correct application or petition, because of a lack of accurate information. Others tried to seek legal counsel in time but were unsuccessful due to attorneys having been booked for appointments due to the flood of people seeking help.

The Senate amended H.R. 1885 in an attempt to address the unfair situation caused by the regulations being published so close to the April 30, 2001.

The amended H.R. 1885, extends section 245(i) of the Immigration and Nationality Act until November 30, 2002, or 120 days after the promulgation of final or interim final regulations implementing the bill, whichever occurs earlier. It requires, as well, that the relationship giving rise to the petitions (i.e., marriage) be entered into by August 15, 2001. So the familial relationship must have existed by August 15, 2001, or the application for labor certification that is the basis of such petition for classification was filed before August 15, 2001.

Although I recognize the importance of the compromise legislation and the fact that it will benefit many people, the House is about to pass a section 245(i) extension that is not the

measure that we hoped for these past months. In addition, the bill also includes a damaging provision that extends the filing deadline for employment-based applications only for people who have filed a labor certification by August 15, 2001. This already expired filing date puts people in the untenable position of having waited for an extension of section 245(i), only to find that it is too late if they have not already filed the underlying qualifying application. Now we find that people seeking to benefit from the extension must have filed their labor certification applications before August 15, 2001.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong opposition to specific portions of H.R. 1885, the 245(i) Extension Act. As you know, a House amendment to H.R. 1885 added the text of H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act, that the House passed by voice vote on December 19, 2001.

While this Member strongly supports the provisions of H.R. 3525 that would include establishing a government-wide electronic data base on persons with terrorist ties, installing a new high-tech visa system to reduce fraud and counterfeiting, increasing the number of full-time Immigration and Naturalization Service (INS) employees and requiring a system to electronically track all foreign visa students in the United States; this Member, however, remains strongly opposed to the original provisions of H.R. 1885 regarding the extension of Section 245(i).

This Member's opposition relates to the provisions whereby Section 245(i) allows illegal aliens to buy legal permanent residence for \$1,000. Ironically, on September 11, 2001, the House was scheduled to debate H.R. 1885 on the Floor. Of course, all House action for that day was pre-empted by the horrific and unspeakable terrorists act committed, in part, by illegal aliens. In light of those events, this Member remains amazed that some of his colleagues continue to seek a policy which permits paying for citizenship by persons who entered this country illegally; that simply is not in the best interest or principles of the United States or in U.S. national security interests.

Although the current legal immigration structure is by no means perfect, it does provide for crucial health screening and criminal record background checks which determine if potential immigrants will place the well-being and security of American citizens and legal immigrants in danger. To make such determinations is not only the right of the United States as a sovereign country it should be among our foremost responsibilities, especially in light of the September 11th terrorist attacks.

Mr. Speaker, Section 245(i) ultimately rewards those people who have thwarted the legal immigration structure by entering the country illegally or by allowing their legal status to lapse. Simultaneously, the policy penalizes potential immigrants who have patiently waited many years, completed many forms, and undergone appropriate screenings for the privileged opportunity to be reunited with family members and to work in the United States. The amendments by the other body only worsened the bill by extending the time illegal aliens have to apply.

Mr. Speaker, Section 245(i) was a bad policy when it was first enacted in 1994. It most assuredly was not worthy of being re-instated during the previous 106th Congress, and it

should not be further extended. Furthermore, since H.R. 3525 has already passed the House, a "no" vote on H.R. 1885 would not impede the progress of those important border security and visa entry reform provisions. Extending Section 245(i) is certainly a grave mistake that we should not make at this critical juncture in our country's war on terrorism.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to express my strong support for H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act.

Section 245(i) is a vital provision of U.S. immigration law, allowing eligible immigrants on the cusp of becoming permanent residents to apply for their green cards in the U.S., rather than returning to their home countries to apply. Section 245(i) is available to immigrants residing in the U.S. who are sponsored by close family members, or by employers who cannot find necessary U.S. workers, and on whose behalf petitions were submitted prior to April 1, 2001.

People who apply under Section 245(i) are screened for criminal offenses, health problems, the potential of becoming a public charge, fraud, misrepresentation, and other grounds of inadmissibility. Each applicant will pay a \$1,000 processing fee, thereby generating revenue for the Immigration and Naturalization Service—at no cost to taxpayers.

The issue is not whether these individuals are eligible to become permanent residents—because they already are, but rather the issue is the location from which they are eligible to apply.

Restoring 245(i) is pro-family, pro-business, and fiscally prudent. These individuals have jobs, pay taxes, contribute to the economy, and pay into Social Security. Section 245(i) allows business to retain valuable employees, provides INS with millions of dollars in annual revenue, and allows immigrants to remain with their families while applying for legal permanent residence.

Under H.R. 1885, any immigrant petitions filed before either April 30, 2002, or four months after regulations are issued, would form the basis of Section 245(i) eligibility. However, those who file after April 30, 2001 must demonstrate that the "familial relationship" existed before August 15, 2001, or that the application for labor certification (which is the basis of such petition for classification) was filed before August 15, 2001. Thus, family relationships must have existed before August 15, 2001. For employment-based labor certifications, the labor certification application must have been filed by August 15, 2001.

Mr. Speaker, I urge all of my colleagues to support this common sense legislation to provide hard working individuals who are on the brink of becoming permanent residents the opportunity to apply for their residency here in the U.S.

Ms. SOLIS. Mr. Speaker, I rise to express my disappointment that H.R. 1885 does not include a permanent extension of the Section 245(i) program, or at the very least a one-year extension. I am also very concerned that this measure imposes unfortunate new eligibility restrictions that will greatly limit the pool of potential beneficiaries.

Each day without a permanent extension of this program, Americans with immigrant spouses or children face separation from their families. Statistics from the INS show that approximately seventy-five percent of the immi-

grants who apply for 245(i) relief are the spouses and children of United States citizens and permanent residents.

Extending 245(i) permanently is common sense. It is pro-family, pro-business, and fiscally prudent. It strengthens families by keeping them united; it allows businesses to retain valuable employees; and it provides the INS with millions in annual revenue, at no cost to United States taxpayers.

H.R. 1885 does not do enough to help immigrants in need. While I will support it because it is a good starting point, I urge Congress and the Administration to work together in the future to implement either a one-year or permanent extension of 245(i).

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, House Resolution 365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA COLLEGE ACCESS IMPROVEMENT ACT OF 2002

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) providing for the concurrence of the House with amendment in the Senate amendments to the bill H.R. 1499.

The Clerk read as follows:

H. RES. 364

Resolved, That upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1499 and amendments of the Senate thereto, and to have (1) concurred in the amendment of the Senate to the title, and (2) concurred in the amendment of the Senate to the text with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia College Access Improvement Act of 2002".

SEC. 2. PUBLIC SCHOOL PROGRAM.

Section 3(c)(2) of the District of Columbia College Access Act of 1999 (sec. 38-2702(c)(2), D.C. Official Code) is amended by striking subparagraphs (A) through (C) and inserting the following:

"(A)(i) in the case of an individual who begins an undergraduate course of study within 3 calendar years (excluding any period of service on active duty in the armed forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma, was domiciled in the District of Columbia for not less than the 12 consecutive

months preceding the commencement of the freshman year at an institution of higher education;

“(ii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, and is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education; or

“(iii) in the case of any other individual and an individual re-enrolling after more than a 3-year break in the individual's post-secondary education, has been domiciled in the District of Columbia for at least 5 consecutive years at the date of application;

“(B)(i) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;

“(ii) in the case of an individual who did not graduate from a secondary school or receive a recognized equivalent of a secondary school diploma, is accepted for enrollment as a freshman at an eligible institution on or after January 1, 2002; or

“(iii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002;

“(C) meets the citizenship and immigration status requirements described in section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5));”.

SEC. 3. PRIVATE SCHOOL PROGRAM.

Section 5(c)(1)(B) of the District of Columbia College Access Act of 1999 (sec. 38-2704(c)(1)(B), D.C. Official Code) is amended by striking “the main campus of which is located in the State of Maryland or the Commonwealth of Virginia”.

SEC. 4. GENERAL REQUIREMENTS.

Section 6 of the District of Columbia College Access Act of 1999 (sec. 38-2705, D.C. Official Code) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) ADMINISTRATIVE EXPENSES.—

“(1) IN GENERAL.—The Mayor of the District of Columbia may not use more than 7 percent of the total amount of Federal funds appropriated for the program, retroactive to the date of enactment of this Act (the District of Columbia College Access Act of 1999), for the administrative expenses of the program.

“(2) DEFINITION.—In this subsection, the term ‘administrative expenses’ means any expenses that are not directly used to pay the cost of tuition and fees for eligible students to attend eligible institutions.”;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g);

(3) by inserting after subsection (d) the following:

“(e) LOCAL FUNDS.—It is the sense of Congress that the District of Columbia may appropriate such local funds as necessary for the programs under sections 3 and 5.”; and

(4) by adding at the end the following:

“(h) DEDICATED ACCOUNT FOR PROGRAMS.—

“(1) ESTABLISHMENT.—The District of Columbia government shall establish a dedicated account for the programs under sections 3 and 5 consisting of the following amounts:

“(A) The Federal funds appropriated to carry out such programs under this Act or any other Act.

“(B) Any District of Columbia funds appropriated by the District of Columbia to carry out such programs.

“(C) Any unobligated balances in amounts made available for such programs in previous fiscal years.

“(D) Interest earned on balances of the dedicated account.

“(2) USE OF FUNDS.—Amounts in the dedicated account shall be used solely to carry out the programs under sections 3 and 5.”.

SEC. 5. CONTINUATION OF CURRENT AGGREGATE LEVEL OF AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The District of Columbia College Access Act of 1999 (sec. 38-2701 et seq., D.C. Official Code) is amended by adding at the end the following new section:

“SEC. 7. LIMIT ON AGGREGATE AMOUNT OF FEDERAL FUNDS FOR PUBLIC SCHOOL AND PRIVATE SCHOOL PROGRAMS.

“The aggregate amount authorized to be appropriated to the District of Columbia for the programs under sections 3 and 5 for any fiscal year may not exceed—

“(1) \$17,000,000, in the case of the aggregate amount for fiscal year 2003;

“(2) \$17,000,000, in the case of the aggregate amount for fiscal year 2004; or

“(3) \$17,000,000, in the case of the aggregate amount for fiscal year 2005.”.

(b) CONFORMING AMENDMENTS.—

(1) PUBLIC SCHOOL PROGRAM.—Section 3(i) of such Act (sec. 38-2702(i), D.C. Official Code) is amended by striking “and such sums” and inserting “and (subject to section 7) such sums”.

(2) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38-2704(f), D.C. Official Code) is amended by striking “and such sums” and inserting “and (subject to section 7) such sums”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation now under consideration, House Resolution 364.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to support House Resolution 364, which incorporates amendments by the Senate and by the House to H.R. 1499.

First, I would like to thank and recognize the gentlewoman from the District of Columbia (Ms. NORTON), the sponsor of the bill, for her deep interest in education for those who are domiciled in the District of Columbia and for her genuine interest in making our Nation's Capital a place of which all our citizens can be proud and one where visitors from all other countries visit enthusiastically.

I also want to express my appreciation to the gentleman from Virginia (Mr. DAVIS), my predecessor as Chair of the Subcommittee on the District of

Columbia, an original cosponsor of the measure, who was responsible in guiding the original legislation into law in 1999.

Additionally, I want to recognize the support given by the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), as the House passed the legislation in July of 2001 and for his support of the amended version. My appreciation also goes to the majority leader, the gentleman from Texas (Mr. ARMEY), for guidance in bringing H.R. 1499, as amended by the Senate and the House, back to the floor.

I also extend my gratitude to the gentleman from Oklahoma (Mr. WATTS) and other members of the Republican leadership who assisted in crafting an amended bill that is acceptable to both sides of the aisle and both Houses.

The original act provides District of Columbia residents with in-state tuition at public colleges and universities throughout the country. Students are permitted a maximum of \$10,000 per year and a lifetime amount of \$50,000 per student. This resolution, as originally introduced on April 4, 2001, by the gentlewoman from District of Columbia, and cosponsored by the gentleman from Virginia (Mr. DAVIS) and myself, expands this benefit to include District of Columbia residents who graduated from high school or received the equivalent of a high school degree before 1998, as well as individuals who begin their postsecondary education more than 3 years after they graduated from high school. The legislation prohibits foreign nationals from participating in the tuition program.

The Senate amended H.R. 1499 under unanimous consent and sent it back to the House on December 13, 2001. The amendment included, inter alia, the expansion of the list of eligible private institutions where D.C. residents could attend by receiving \$2,500 annual stipend, capped at \$12,000 per student, to include historically black colleges and universities nationwide. The original act included only the historically black colleges and universities that were located in Maryland and Virginia.

The House amendment includes some technical amendments. It also retains the Senate provision of including all the HBCUs nationwide and also requires the District government to establish a dedicated account for the program. The House amendment endorses the Senate amendment, expressing the sense of Congress that local funds may be appropriated by the District of Columbia to help with financing the tuition program.

The House amendment adds language that authorizes no more than \$17 million in Federal funds for each of following years: 2003, 2004, and 2005. This amount is the same as the current funding level.

Mr. Speaker, I urge our colleagues to support this lifetime legislation. This gift of education is a gift that does last

a lifetime. What we are doing today is letting more District of Columbia residents receive that gift. The legislation opens a window of opportunity for countless numbers of District of Columbia residents, and it is another contribution to the growing vitality of the Nation's Capital.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 364, the College Access Improvement Act, as amended by the Senate and as further amended by the bill we offer in the House today. H. Res. 364 would allow more D.C. residents to receive the valuable benefits of the College Access Act passed by Congress in 1999.

I want to thank the Chair of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), and the past Chair of the subcommittee, the gentleman from Virginia (Mr. DAVIS), who are original cosponsors of this bill; the gentlewoman from Maryland for her consistent work and strong support of the House version, and the gentleman from Virginia, who, with me, sponsored and worked diligently for passage of the original College Access Act.

The Senate amendments before us today are the result of collegial negotiations to produce a consensus bill with our Senate sponsors, particularly the ranking member of the Senate Subcommittee on the District of Columbia, GEORGE VOINOVICH, the chief sponsor of the Senate bill, with the strong support of Senator JOE LIEBERMAN, Chairman of the Senate Government Affairs Committee, and Ranking Member Senator FRED THOMPSON, and chairman of the Senate Subcommittee on the District of Columbia, DICK DURBIN.

I appreciate the willingness of the House leadership, particularly the majority leader, the gentleman from Texas (Mr. ARMEY), along with conference chair, the gentleman from Oklahoma (Mr. J.C. WATTS), as well as the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), to work with us on the amended version of the bill before us today which ensures that the College Access Act, as amended by H. Res. 364, does not exceed its annual appropriation.

We are pleased and appreciative that the College Access Act, including the amendments made by H. Res. 364, have been fully funded by President Bush in his 2003 budget. H. Res. 364, as amended, has the enthusiastic support of Mayor Williams, the Council of the District of Columbia, and especially of D.C. residents.

I want once again to thank Congress for its strong support of the District of Columbia College Access Act of 1999, and to indicate that the benefits to education Congress sought are being

realized. The act is now responsible for nearly 2,500 D.C. students who are attending public colleges and universities nationwide at in-state rates, or receiving a \$2,500 stipend to attend private colleges and universities in the District of Columbia and the region.

□ 1530

It is impossible to overestimate the value and importance of the act to the District which has only an open admissions university and no State university system. A college degree is critical in the District of Columbia because ours is a white collar and technology city and region with few factories and other opportunities for jobs that provide good wages without a college education. The College Access Act provides opportunities for D.C. residents to afford a college education here, in the region and around the country that would be routinely available throughout the Nation with the exception of the District. Now D.C. residents have choices for college education similar to those available to Americans in the 50 States. In no small part because of the success of the College Access Act, the high school class in the District of Columbia of 2001 had 64 percent college attendance compared with the national average of 43 percent.

H. Res. 364 will expand the original College Access Act of 1999 in several significant ways. The bill allows D.C. residents to receive a \$2,500 stipend to attend any historically black college and university in the country rather than only in the region as in the original act. Over 600 D.C. residents are expected to take advantage of this important provision in the first year after enactment.

Second, students who are somewhat older because they graduated prior to 1998 were not included in the original College Access Act because of the Senate's fear that funding would be insufficient. Actually, funding was sufficient; and I appreciate that we have been able to get agreement with the Senate to expand tuition benefits to at least two groups of older students. The first group is D.C. residents currently enrolled in college, regardless of when these students graduated and regardless of the amount of time it took those students to enroll in college. This change will enable approximately 1,000 students previously denied in-state tuition, including many older students, to qualify this year.

A second group of older students will benefit as a result of language that removes a requirement that a student enroll in college no longer than 3 years after high school graduation. The Senate has agreed to remove the 3-year constraint prospectively. Consequently, the first group of students who took longer than 3 years to enroll in college can take advantage of the College Access Act benefits this year. There are many such students in the District because many cannot afford to go to college right out of high school,

and more and more older students are expected to receive tuition assistance in the years to come.

Also included in both the Senate and the House bill is an amendment that closes a loophole that allowed foreign nationals who live in the District to benefit, a result never intended by the sponsors or by either House.

These amendments to the College Access Act will allow thousands of additional D.C. residents who were not included in the original act to receive tuition assistance. Although the Senate did not include all the changes I sought, the agreement on the addition of HBCUs nationwide is especially welcome. This bill deserves our support because it brings higher-education opportunities for the District's young people much closer to those regularly enjoyed routinely in the districts of other Members of Congress. I thank Members for the support they have given the College Access Act and ask for their support for its expansion.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

This is a bill that is very important. It took a lot of time and a lot of attention. Some great staff have been involved in doing it. I mentioned the gentlewoman from the District of Columbia (Ms. NORTON) for her splendid cooperation and splendid work on this bill. It is very important to our workforce that we have opportunities for college education. I ask this body to very strongly support House Resolution 364.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 364, providing for the concurrence of the House with amendment in the Senate amendments to the bill, H.R. 1499, the District of Columbia College Access Act Technical Corrections Act of 2002.

In 1999, I introduced the District of Columbia College Access Act of 1999, with Delegate ELEANOR HOLMES NORTON, which created the D.C. Tuition Assistance Grant Program. This program allows recent high school graduates in D.C. to pay in-state tuition rates of up to \$10,000 annually at public colleges and universities nationwide. Eligible D.C. residents attending private institutions in D.C., Maryland, or Virginia, or Historically Black Colleges and Universities in Maryland and Virginia may receive grants of \$2,500 annually.

It was always my intention that this program would have a broader application. However, financial considerations restricted the scope of the program. Therefore, I am pleased to be an original cosponsor of H.R. 1499. It will open the eligibility requirements to those individuals who graduated from secondary school prior to 1998 and also to individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school. Additionally, this bill will permit the grants to be applied to tuition expenses at Historically Black Colleges and Universities nationwide.

The popularity of this program among students and parents has risen steadily since its inception. The program has proven to be a successful incentive to retain and attract D.C.

residents. Now, H.R. 1499 ensures that a greater number of D.C. residents are eligible to receive tuition assistance and broaden their educational opportunities at the undergraduate level.

I would like to thank my colleagues in the House and Senate for their work on this bill. We have successfully worked together on this legislation to authorize \$17 million for the Tuition Assistance Grant Program each year through FY 2005.

The expansion of the Tuition Assistance Grant Program will increase the educational opportunities available to D.C. residents. I strongly urge my colleagues to join me in supporting H. Res. 364.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support the District of Columbia College Access Improvement Act of 2001. Historically black colleges and universities, or HBCUs as they're known, are important institutions of higher learning in America. This bill recognizes their significance by opening up tuition assistance under the D.C. College Access Act to be used for HBCUs nationwide—not just those in the immediate area.

Under current law, a resident of the District of Columbia may receive \$2,500 per year for tuition at private HBCUs in D.C., Virginia or Maryland. Well, for one thing, there aren't any private HBCUs in Maryland. And the other options can be pretty expensive for a student who will not be receiving other financial help. This bill expands the options for students and broadens the possibilities for residents of the District of Columbia.

HBCUs have received a higher level of awareness thanks to the bi-partisan leadership of many in Congress and the White House. This legislation is yet another step toward raising the role HBCUs serve in the field of higher education.

I thank the sponsors of the bill before the House today and urge my colleagues to support the D.C. College Access Improvement Act.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 364.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING 100TH ANNIVERSARY OF BUREAU OF THE CENSUS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 339) expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

The Clerk read as follows:

H. CON. RES. 339

Whereas this Nation's Founding Fathers mandated that a census be conducted once every 10 years, and the decennial census remains the only constitutionally mandated data collection activity today;

Whereas the Congress established a permanent "Census Office" in the Department of the Interior on March 6, 1902, and, in 1903, transferred that office to what was then the newly established Department of Commerce and Labor (within which, with more than 700 employees, it comprised the largest of that department's new bureaus);

Whereas Federal, State, and local governments use data collected by the Bureau of the Census in the distribution of funds and in the formulation of public policy in such areas as education, health and veterans' services, nutrition, crime prevention, and economic development, among others;

Whereas the Bureau of the Census supplies statistical data to the Bureau of Labor Statistics, the Bureau of Economic Analysis, the Board of Governors of the Federal Reserve System, and other Government agencies charged with measuring and reporting on the health of the Nation's economy;

Whereas the Bureau of the Census is the Nation's largest data collection agency, collecting data used by other Government agencies, tribal governments, institutions, universities, and nonprofit organizations, and supplying information on poverty, unemployment, crime, education, marriage and family, and transportation;

Whereas, throughout its first 100 years, the Bureau of the Census has earned a reputation for scrupulously safeguarding the confidentiality of respondents' answers, a responsibility vital to maintaining the public's trust;

Whereas the Bureau of the Census, with the cooperation of other Government agencies, the Congress, State and local governments, and community organizations, and with significant technological innovation and public outreach, has just conducted this Nation's 22d decennial census in a timely and professional fashion, employing over 500,000 dedicated Americans in the process; and

Whereas March 6, 2002, marks the 100th anniversary of the establishment of the Bureau of the Census: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby—

(1) recognizes the 100th anniversary of the establishment of the Bureau of the Census; and

(2) acknowledges the achievements and contributions of the Bureau of the Census, and of its current and former employees, to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 339.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to pay tribute to the United States Census Bureau. Last week the Census Bureau celebrated its centennial birthday, 100 years of invaluable service to America. Our Constitution requires us to con-

duct our census, an actual enumeration, every 10 years.

I quote: "The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such a manner as they shall by law direct."

The conduct of the census for the apportionment of Congress is almost as old as the birth of our Nation. In 1790, Thomas Jefferson, the Secretary of State under George Washington, directed the efforts of the U.S. marshals who would serve as enumerators until the 1880 census.

Mr. Speaker, the census was never easy to conduct. Suspicious residents were not the only difficulty encountered by our Nation during a census. Census forms from Delaware, Georgia, Kentucky, New Jersey and Tennessee were destroyed by the British when they burned the Capitol during the War of 1812.

Throughout our history, censuses have been used to mark significant achievements and milestones in our Nation's history. The 1860 census would show New York as surpassing the 1 million mark in that great city's population. In 1864, General Sherman would use published information on population and agriculture in his war-planning efforts. President Lincoln remarked on the importance of the population information saying: "If we could first know where we are and wither we are tending, we could better judge what to do and how to do it." And one of my favorite Presidents, President Garfield, said: "The census is indispensable to modern statesmanship."

Mr. Speaker, 1878 would mark the first publication of the Statistical Abstract of the United States. Today, with more than 1,500 tables, the Abstract is the Census Bureau's oldest and most popular reference product. The 1890 census marked the first use of the punch card and mechanical tabulating equipment. The 1890 census would also mark the end of the frontier in the United States. Census analysts wrote: "Up to and including the 1880 census, the country had a frontier. At present the unsettled area has been so broken into isolated bodies of settlement that there can hardly be said to be a frontier line."

Mr. Speaker, in 1902 a permanent census office was established in the Department of the Interior and in 1903 the census office became the Census Bureau in the new Department of Commerce and Labor. The 1910 census included for the first time a census of manufacturers. The 1910 census would also have President Taft issuing the first-ever census proclamation.

In 1915, the U.S. population would reach 100 million and the Census Bureau would conduct its first special enumeration for a local government in Tulsa, Oklahoma. In 1942, the Census Bureau moved to its current location in Suitland, Maryland, which is named after Colonel Samuel Taylor Suit, a

Maryland legislator, businessman and agriculturist who first owned the land. Even the reason for the Census Bureau relocating to Suitland is representative of the bureau's devotion to our Nation. During World War II, one of the many new Federal agencies created to aid in the war effort was the Office of Price Administration, or the OPA. Because of its war-related mission, the OPA director believed his office needed to be near the Capitol. As a cooperative and patriotic gesture, the Census Bureau's director, J.C. Capt, volunteered to move the Census Bureau to Suitland, Maryland, so that OPA could be closer to Congress during the war.

Mr. Speaker, the Census Bureau does not simply conduct our decennial census every 10 years. In fact, the Census Bureau conducts more than 350 surveys every year and issues more than 1,000 data reports. One of the most important surveys is the economic census, which traces its beginning back to 1810. Federal Reserve Chairman Alan Greenspan says of the economic census: "The economic census is indispensable to understanding the American economy. It assures the accuracy of the statistics we rely on for sound economic policy and for successful business planning."

The Census Bureau has a long-standing commitment of service to our Nation. Representative of this commitment to excellence, one of the Census Bureau's employees, through a labor of love, managed to capture the history and spirit of our Nation's census history in a census quilt. From a distance, this work of art appears to be just a quilt, but it is not. It is the story of the U.S. Census Bureau and the role that it has played "from inkwell to Internet" to chronicle our Nation's past and illuminate the future.

At the center of the story is the Census Bureau seal surrounded by 100 compass points, one for each year of its existence as an organization. At each major directional compass point is a 10-pointed star, created from two five-pointed stars. These represent the population censuses that the Census Bureau conducts every 10 years and the economic censuses conducted every 5 years.

The story begins at the lower left corner and moves clockwise. The years before 1902 are depicted by the constitutional mandate and the original 13 colonies, and the Nation's expanding industry, trade and transportation. The story continues with a snapshot of the rich history of the 20th century as the country and cities grow, technology is integrated into our work and society, and the diversity of our people enriches our Nation.

Carol Pendleton Briggs, a Census Bureau employee for 12 years, created this work of art to commemorate the centennial. She has created a skillful and moving representation of the Census Bureau's place in American history and its important work as an organization to chronicle the past and illuminate the future. She deserves much praise

for such a wonderful work of art. The quilt is on display at the Census Bureau and hopefully will be displayed here sometime soon.

Mr. Speaker, H. Con. Res. 339 is an important recognition of the vital contribution of the U.S. Census Bureau. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume. I rise to join my colleagues in honoring the U.S. Census Bureau.

Mr. Speaker, much has changed since 1902, and the Census Bureau has been important in documenting and helping us to understand those changes. Despite the importance of the census to Congress and the country throughout the 19th century, it was not until the end of that century that discussions began in earnest about creating a permanent census office. Throughout the 19th century, Congress created a special census office every 10 years to carry out the function of taking the census. That office was disbanded after the census data were published, only to rise again a few years later.

In February 1891, the Senate requested the Secretary of the Interior to draft a bill creating a permanent census office which was introduced in December 1891 and died in committee. Hearings were held in the House of Representatives on the need for a permanent census office in 1892, and legislation was again introduced in 1896. However, there was not yet sufficient legislative support for a permanent census office, and the 1900 census was conducted under temporary authority.

Among the issues debated by Congress were whether the office should be independent or housed within a department, whether the employees should be covered by civil service rules or be patronage positions as in the past, and, of course, what the office would do in the years between censuses.

During the conduct of the 1900 census, the census office sponsored several studies to address pressing public policy issues in the hope that these studies would illustrate what a permanent census office could do. Among those contributing to this effort was W.E.B. DuBois. Finally, in 1902, Congress passed a relatively simple bill that said, quote: "The census office temporarily established in the Department of the Interior is hereby made permanent."

Over the last 100 years, the census and the Census Bureau have never been far from the center of controversy. It was the census of 1920 which informed us that the country was passing through a transition from a rural agrarian society to an urban industrialized society.

□ 1545

That same census documented the importance of immigration in the growth of the Nation.

The 1930 census marked a change from a debate in Congress every 10

years about how seats would be apportioned to the States to a process set in law. The 1930 census also saw Congress direct in the Census Act that data be collected on unemployment over the objection of the Census Bureau and the Census Advisory Committee from the American Economic Association and the American Statistical Association.

The 1940 census began the measurement of census undercount when 13 percent more black men registered for the draft than the Census Bureau thought existed. The measurement of the undercount and what to do about it remains a controversy today.

So it goes down through history. From voting rights to revenue sharing to equal representation for all, the Census Bureau has been at the center of nearly every controversy. Why? Because without good numbers, we do not know who we are or whether society has progressed or regressed; and the Census Bureau has been the source for many of those good numbers.

I do not pretend to know what the next century will hold for our Nation or for the Census Bureau, but I can predict one thing: Whatever happens, we will look to the Census Bureau for help in understanding the past, present and future.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to add my support for this resolution recognizing the 100th anniversary of the Census Bureau.

The census data paint a picture of America, including information on economic status based on age characteristics. It is because of the census that we know how successful the Social Security program has been in raising senior citizens out of poverty.

The census numbers show that in 1999, 9.7 percent of people age 65 and older lived in poverty, the lowest percentage ever. The census numbers tell us that Social Security provides over half the total income for the average elderly household. For one-third of women over age 65, Social Security represents 90 percent of their total income. Without this program, half of older women would be living in poverty.

The resolution states the Census Bureau gives us the data that is essential "in the distribution of funds and in the formulation of public policy." The Census Bureau numbers will play a critical role in the public policy debate on Social Security.

I believe that the census numbers will demonstrate the folly of privatizing Social Security. According to the Census Bureau, the number of persons 65 and older will grow from 35 million in 2001 to 82 million in 2050. In 2050, the number of women over age 85, those most dependent on Social Security, will be four times the number

today. They are depending on us to continue the promise of Social Security.

I believe the census data prove that we can make modest changes in Social Security, like raising the earnings cap, and maintain the guarantee. The census data on income, poverty and wealth show that Social Security has been instrumental in improving the financial security of seniors and families across this country. Privatization will reverse that trend and threaten the financial security of many retirees, particularly older women.

It is important to recognize the value of the Census Bureau today, but it is even more important to debate and reject Social Security privatization, to protect current and future beneficiaries. I urge the Republican leadership to schedule that debate soon.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support the work of this Committee on the Census and H. Con. Resolution 339, and I am happy to honor the Census Bureau for its work.

The Census Bureau tells us not only how many people live in the United States, but the condition of these individuals living in our country. It also tells us about the unmet needs of the people, and as we read the unmet needs of the people as outlined in the census, we are struck by the fact that, week after week, the Republican leadership in the House continues to spend an inordinate amount of time, valuable time that belongs to the people of this country, to continue to pass these kinds of symbolic resolutions, while ignoring the urgent needs that deserve the debate and action of this House, the urgent needs as outlined in the census.

It took the House Republican leadership 6 months after September 11 to finally address the economic plight of over 7 million unemployed people, including the 1.5 million men and women who had exhausted their unemployment benefits because of a recession that began months before the terrorist attack.

A reading of the real-time census would have told the Republican leadership that 80,000 people a week were losing their unemployment benefits, losing any type of economic support, threatening the loss of their homes, of their apartments, of their children's schooling, of their health care, and yet nothing was done for 5 months.

Perhaps a reading of the census could have spurred us on to quicker action on behalf of these Americans. Perhaps it would have spurred us on to pass a bill to help those unemployed Americans, without holding them hostage to hundreds of billions of dollars in tax benefits for the wealthiest individuals and corporations in this country.

We still have not been allowed to consider extending unemployment ben-

efits to millions of hard-working Americans who pay for benefits, but are denied them under current law; temporary workers, low-income workers, part-time workers, contingent workers, who, if you read the census, are more likely than not to be women, to be young people, to be immigrants.

Why is there not a bill on this floor, instead of this resolution, assuring unemployment protection to all Americans who work hard to provide for the well-being of their families and for this country? A census would show that in fact huge numbers of Americans are uncovered by the unemployment insurance system in this country.

A reading of that census would also point out the fact that 40 million fellow Americans, nearly one in seven, live in fear of sickness or injury in the family because they cannot afford basic health insurance. They do not have access to it because they cannot afford it or because it is denied to them.

The census would also tell us that over half of those individuals are full-time year-round workers with families, and yet, as we see from the census, they are denied health care; and if they are Hispanic families, their chances of lacking health insurance are more than twice as high, according to the census.

We have time to honor the census and the Census Bureau, and it is properly so; but when we come here week after week after week after week and we ignore the basic needs of the American people, the basic needs of the American family, the basic needs of the American working individual, it is time for us to get on with their business and not the symbol, these symbolic resolutions.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I join my colleagues in congratulating the Census Bureau on its 100th anniversary, and I also want to thank Dr. Margo Anderson, author of *The American Census*, from which some of my remarks were drawn.

I would also like to congratulate William Barron, who is retiring, the former Director of the Census Bureau, and congratulate him on conducting the most accurate census in the history of our Nation, the 2000 census.

I want to also congratulate the chairman of our subcommittee, the gentleman from Florida (Mr. DAN MILLER), for his leadership of that subcommittee.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the 2000 census has just recently concluded, a census where a highly successful advertising campaign, coupled with a partnership effort of more than 140,000 government and private organizations at the State and local levels led to the most accurate census in our Nation's history, as my good friend from Missouri just indicated.

The employees at the Census Bureau are to be commended for a job well done. Their tireless effort under difficult conditions will not soon be forgotten, and the importance of the census and the Census Bureau as we help celebrate through this meaningful resolution today their achievements, I think, has been pretty well punctuated, as our friend, the gentlewoman from Illinois, and the gentleman from California seem to find many, many nexuses on many, many issues of concern to them that directly bring us back to the census. So the Census Bureau should indeed be pleased that they provided so much information and so much fodder to so many to say so many things.

I want to thank the gentleman from Missouri (Mr. CLAY) for his support on this important resolution. I am proud to bring H. Con. Res. 339 before the House in honor of the dedicated and hard-working men and women throughout the history of the Census Bureau and the historic contribution made to our Nation.

Mr. REYES. I rise in support of H. Con. Res. 339, and to recognize the Census Bureau's current and past dedicated employees.

Of the eleven major statistical agencies in the federal government, the Census Bureau takes on the greatest task of all—the decennial census that is required by our Constitution.

The decennial census is the largest single activity undertaken by a statistical agency. The census is the managerial challenge that few agencies, statistical or otherwise, could accomplish. In the year of the census, the Census Bureau opens and closes over 500 offices, and temporarily hires almost half a million employees. Then comes the enormous task of tabulating hundreds of millions of pieces of information within 1 year.

In addition to this massive undertaking, employees at the Census Bureau work hard to collect and provide data from other agencies within the federal government. They provide the information necessary to govern our country and manage our economy. Businesses use federal data to locate plants and retail outlets. Local governments use federal data to comply with regulations and to plan for the future. Those who make all this data available deserve to be recognized, and this resolution does just that.

And as effective as the Census Bureau has been, as Chair of the Congressional Hispanic Caucus, I believe that there is still room for improvement to accurately count the Latino community. Last year we received the first results of Census 2000, which showed that the size of the Hispanic population in the United States had reached a record level of 35.3 million. Unfortunately, it has been estimated that the undercount among Hispanics may have been as high as 1.2 million. When your community is not accurately counted, we are precluded from receiving our fair share of federal financial resources, which exacerbates strains on local health, education and transportation infrastructures.

In addition to the undercount, Census 2000 did not accurately record subgroups within the Hispanic community. The number of Dominicans and Colombians in New York, for

example, was distorted because of the way the Census forms asked respondents to specify their Hispanic origin. On the Census 2000 form, while Hispanics who are not of Mexican, Puerto Rican or Cuban origin were given the option of listing their origin as "other" and naming the group, they were not provided with examples of what to list, as they had been on the Census 1990 form. This seemingly minor change in the form led many respondents to not fill in a country of origin at all. As the next census is designed, I hope that this problem will not occur again. Having accurate information about the diversity of the Hispanic population will enable us to better target resources that are culturally sensitive to these communities.

As the Census Bureau begin its next 100 years of service to the United States, I hope that it will work seriously and earnestly to address the undercount of minorities. I urge the Census Bureau to re-examine its methods and procedures so that the accuracy of the decennial count can be improved. It should be everyone's goal that the Census reveal the entire picture of America.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H. Con. Res. 339, and to honor the Census Bureau and the thousand's of dedicated employees.

The employees of our federal statistical system labor day in and out to provide the information necessary to govern our country and manage our economy. Businesses use federal data to locate plants and retail outlets. Local governments used federal data to comply with regulations and to plan for the future. Few people stop to wonder how all of those numbers are out our finger tips at a moments notice.

There are eleven major statistical agencies in the federal government: the Bureau of Labor Statistics; the Bureau of Economic Statistics; the Bureau of Transportation Statistics; the U.S. Census Bureau; the National Center for Education Statistics; the Statistics of Income at the IRS; the Energy Information Agency; the Bureau of Justice Statistics; the National Agricultural Statistical Service and the Economic Research Service with the Department of Agriculture; and the National Center for Health Statistics. The Bureau of Labor Statistics and the U.S. Census Bureau are the two largest agencies when you exclude the decennial census.

The decennial census is the largest single activity undertaken by a statistical agency. The census is a management challenge that few agencies, statistical or otherwise, could accomplish. In the year of the census, the Census Bureau opens and closes over 500 offices. The agency goes from a staff of 7 to 10 thousand, to 500,000 and back again in a period of about three months. That means 500,000 people must be hired. Thousand more must be recruited and interviewed. In addition to hiring and training staff, the census requires the management of multiple contracts each of which is measured in the hundreds of millions of dollars. Then, of course, the data must be tabulated and prepared for the President—all within a year.

That would be a major accomplishment for any agency. However, that is only one of many census performed by the Census Bureau. Furthermore, censuses are not their only line of business. The Census Bureau collects data for a number of other agencies within the federal government.

To list all of the accomplishments of the employees at the Census Bureau would take more time that both sides have today. Suffice it to say, as a country we are fortunate to have a statistical agency staffed with professionals who produce daily, the information necessary to guide public policy. We salute those employees today as we celebrate the 100th anniversary of the Census Bureau.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 339.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, March 12, 2002.

AGREEMENT BETWEEN UNITED STATES AND AUSTRALIA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-186)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the Government of the United States of America and the Government of Australia on Social Security, which consists of two separate instruments: a principal agreement and an adminis-

trative arrangement along with a paragraph-by-paragraph explanation of each provision. The Agreement was signed at Canberra on September 27, 2001.

The United States-Australia Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Australia Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Australia Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, March 12, 2002.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2001

Mr. THORNBERRY. Madam Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 2175, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2175.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 365.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 365, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 275, nays 137, not voting 22, as follows:

[Roll No. 53]

YEAS—275

Abercrombie	Davis (CA)	Hastings (WA)
Ackerman	Davis (FL)	Hill
Allen	Davis, Tom	Hinche
Andrews	DeFazio	Hobson
Arney	DeGette	Hoefel
Baca	Delahunt	Holden
Baird	DeLauro	Holt
Baldacci	DeLay	Honda
Baldwin	Deutsch	Hooley
Becerra	Diaz-Balart	Houghton
Berkley	Dicks	Hoyer
Berman	Dingell	Hyde
Berry	Doggett	Inslee
Biggert	Dooley	Israel
Bishop	Doyle	Issa
Blumenauer	Dreier	Jackson (IL)
Boehlert	Dunn	Jefferson
Boehner	Edwards	John
Bonilla	Ehlers	Johnson (CT)
Bonior	Ehrlich	Johnson (IL)
Bono	Engel	Johnson, E. B.
Borski	English	Jones (OH)
Boswell	Etheridge	Kanjorski
Boucher	Evans	Kelly
Brady (PA)	Farr	Kennedy (MN)
Brown (FL)	Fattah	Kennedy (RI)
Brown (OH)	Filner	Kildee
Buyer	Fletcher	Kilpatrick
Calvert	Foley	Kind (WI)
Cannon	Ford	King (NY)
Capps	Fossella	Kirk
Capuano	Frank	Klecza
Cardin	Frost	Knollenberg
Carson (OK)	Gephardt	Kolbe
Castle	Gibbons	Kucinich
Chabot	Gilchrest	LaFalce
Clay	Gillmor	Lampson
Clayton	Gilman	Langevin
Clyburn	Gonzalez	Lantos
Condit	Goss	Larsen (WA)
Conyers	Green (TX)	Larson (CT)
Costello	Green (WI)	Latham
Cox	Grucci	LaTourette
Coyne	Gutierrez	Leach
Cramer	Hall (OH)	Lee
Crowley	Harman	Levin
Cummings	Hart	Lewis (CA)
Cunningham	Hastings (FL)	Lewis (GA)

Lofgren	Otter	Sherman
Lucas (KY)	Owens	Simmons
Luther	Oxley	Simpson
Lynch	Pallone	Skeen
Maloney (CT)	Pascarell	Skelton
Maloney (NY)	Pastor	Slaughter
Markey	Paul	Smith (NJ)
Mascara	Payne	Smith (TX)
Matheson	Pelosi	Smith (WA)
Matsui	Petri	Snyder
McCarthy (MO)	Phelps	Solis
McCarthy (NY)	Pomeroy	Souder
McCollum	Portman	Spratt
McDermott	Price (NC)	Stark
McGovern	Pryce (OH)	Stenholm
McHugh	Quinn	Strickland
McIntyre	Radanovich	Sununu
McKeon	Rahall	Tanner
McKinney	Rangel	Tauscher
McNulty	Regula	Tauzin
Meehan	Reyes	Terry
Meek (FL)	Reynolds	Thomas
Meeks (NY)	Rivers	Thompson (CA)
Menendez	Rodriguez	Thornberry
Millender-	Roemer	Tiahrt
McDonald	Rogers (KY)	Tiberi
Miller, George	Ros-Lehtinen	Tierney
Mink	Ross	Towns
Mollohan	Rothman	Turner
Moore	Roybal-Allard	Udall (CO)
Moran (VA)	Rush	Udall (NM)
Morella	Ryan (WI)	Velazquez
Murtha	Sabo	Walsh
Nadler	Sanchez	Waters
Napolitano	Sanders	Watkins (OK)
Neftci	Sandlin	Watson (CA)
Ney	Sawyer	Watt (NC)
Northup	Schakowsky	Watts (OK)
Nussle	Schiff	Waxman
Oberstar	Scott	Weller
Obey	Sensenbrenner	Wilson (NM)
Oliver	Serrano	Woolsey
Osborne	Shaw	Wu
Ose	Shays	Wynn

NAYS—137

Aderholt	Goodlatte	Pitts
Akin	Gordon	Platts
Bachus	Graham	Pombo
Baker	Granger	Putnam
Ballenger	Graves	Ramstad
Barcia	Greenwood	Rehberg
Barr	Gutknecht	Riley
Bartlett	Hall (TX)	Rogers (MI)
Bass	Hansen	Rohrabacher
Bereuter	Hayes	Roukema
Bilirakis	Hayworth	Royce
Blunt	Hefley	Ryun (KS)
Boozman	Herger	Saxton
Boyd	Hilliard	Schaffer
Brady (TX)	Hoekstra	Schrock
Brown (SC)	Horn	Sessions
Bryant	Hostettler	Shadeegg
Burr	Hulshof	Sherwood
Callahan	Hunter	Shimkus
Camp	Isakson	Shows
Cantor	Istook	Shuster
Capito	Jenkins	Smith (MI)
Chambliss	Jones (NC)	Stearns
Clement	Kaptur	Stump
Coble	Keller	Stupak
Collins	Kerns	Sullivan
Combest	Kingston	Tancredo
Cooksey	LaHood	Taylor (MS)
Crane	Lewis (KY)	Taylor (NC)
Crenshaw	Linder	Thune
Cubin	LoBiondo	Thurman
Culberson	Lucas (OK)	Toomey
Davis, Jo Ann	Manzullo	Upton
Deal	McCrery	Visclosky
DeMint	McInnis	Vitter
Duncan	Mica	Walden
Emerson	Miller, Dan	Wamp
Everett	Miller, Gary	Weldon (FL)
Ferguson	Miller, Jeff	Weldon (PA)
Flake	Moran (KS)	Whitfield
Forbes	Myrick	Wicker
Frelinghuysen	Norwood	Wilson (SC)
Gallegly	Pence	Wolf
Ganske	Peterson (MN)	Young (AK)
Gekas	Peterson (PA)	Young (FL)
Goode	Pickering	

NOT VOTING—22

Barrett	Carson (IN)	Hinojosa
Barton	Davis (IL)	Jackson-Lee
Bentsen	Doolittle	(TX)
Blagojevich	Eshoo	Johnson, Sam
Burton	Hilleary	Lipinski

Lowey	Sweeney	Weiner
Neal	Thompson (MS)	Wexler
Ortiz	Trafiacant	

□ 1858

Messrs. SULLIVAN, SAXTON, LINDER, BURR of North Carolina, WICKER, BASS, CAMP and CRENSHAW changed their vote from “yea” to “nay.”

Messrs. JEFFERSON, GIBBONS and MASCARA and Ms. SLAUGHTER changed their vote from “nay” to “yea.”

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3215

Mr. GIBBONS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3215.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Nevada?

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SALUTING A HERO: PETTY OFFICER FIRST CLASS NEIL C. ROBERTS, USN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. OSE) is recognized for 5 minutes.

Mr. OSE. Mr. Speaker, I rise today torn by two emotions: proud of the way that U.S. Navy SEAL Neil Roberts served our country and saddened by his loss in the line of duty.

Petty Officer First Class Neil Roberts grew up in Woodland, California, which I am privileged to represent. One of 11 children in the Roberts family, Neil graduated from Woodland High in 1987 and joined the U.S. Navy that September.

Neal served with distinction in the U.S. Navy, first assigned to the Navy Air Reconnaissance Squadron and then joining the elite Navy SEAL team. He served in the Navy with distinction, earning two Navy and Marine Corps Achievement Medals, three Good Conduct Medals, the Joint Meritorious Unit Award, the Meritorious Unit Commendation, five Sea Service Deployment Medals, the NATO Medal, three Southwest Asia Service Medals, the Battle “E”, his Rifle Marksmanship Medal, his Pistol Expert Medal, the Armed Forces Service Medal, and the National Defense Award. This is truly a record to be proud of.

This year, Petty Officer Roberts was part of Operation Anaconda in eastern Afghanistan. This operation is aimed at containing and eliminating the al Qaeda and Taliban forces still fighting against the newly established democracy, against American troops, and against allied forces in the region. Petty Officer First Class Neil Roberts was there to answer the call and he made the ultimate sacrifice.

Our thoughts and prayers go out to Neal's wife, Patricia, and their 18-month-old son; to Neal's mother, Janet; and to the rest of his family and friends. I hope it will comfort them to know that a nation mourns with them and that Neil made us all proud.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RELEVANT ISSUES TO COLORADO AND OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I look forward to spending a little time with my colleagues this evening. There are a number of different issues I would like to talk about. But first of all, I want to mention a fine young man from Grand Junction, Colorado, Ryan Patterson. Ryan was just selected on Monday of this week as the best young scientist in the world. What Ryan did is, first of all, he has won several contests, scientific contests. He is a very, very gifted young man. He was back here, he racked up another \$100,000 in scholarships and is being recognized here.

Let me just go through a couple of things. Prior to Monday, he won \$192,000 in scholarships, about \$16,000 in cash, two laptop computers, two trips to Sweden to attend the Nobel Peace Prize ceremonies. Throughout all of his achievements, he has obviously maintained his modesty. What Ryan did is came up with a glove, a glove-type of apparatus that can take sign languages, as they work sign language with the finger, and it instantaneously puts it into the written word in a little computer screen. So someone who only knows sign language or who has some other type of handicap and their primary language is sign language can ac-

tually go to a McDonald's restaurant or some restaurant, hold the little screen there and put it out instantly, instantly on to that screen.

This is a young man still in high school; he is a senior in high school. I am awful proud of him. Obviously, he is from my district, Grand Junction. But the achievements and the recognitions he has received this last year probably top any other student in the country in the scientific field and, obviously, in the latest recognition he was seen as the youngest and best scientist in the world for his age. So Ryan, congratulations.

I was going to speak and still intend to speak on some water issues. As my colleagues know, the district that I represent is in the State of Colorado. The State of Colorado is the highest point not only in the United States, but also the highest point on the continent. So I am going to speak a little about Colorado, the dynamics of our snowfall up there, some of the land, the dynamics of the land and the situation facing Colorado, facing all of the States. There are many States that depend on the State of Colorado. I will talk about the geographical nature, a number of different things that I want to visit with on Colorado, but that is going to come later.

Today, I just pulled this off the computer, and I am amazed: "Lawmakers doubt the need for a missile defense plan." As my colleagues know, I spend a great deal of time on this House floor talking about the absolute necessity for this Nation to have a missile defense. It is unbelievable to most of the citizens that I represent that this country, the United States of America, has no capability, zero capability, zero capability to stop an incoming missile into this country.

Now, we have lots of capability to determine that a missile has been fired against this country. In fact, the primary location of that headquarters is in Colorado, NORAD, Cheyenne Mountain, Colorado Springs. We can, within seconds, determine anywhere in the world that a missile has been launched. We can within seconds of those seconds determine where the destination of the missile is, what type of missile it probably is, what kind of warhead it is probably carrying, the estimated time of arrival. Beyond that, as far as preventing the horrible destruction that it could wreak, the havoc that it could wreak on the country that it is directed towards, the United States cannot do anything. Fortunately, our President and this administration, as have some previous administrations, have made a very dedicated effort towards providing this country with a national security blanket for some type of defense against a threat by enemy missiles.

Now, I am amazed to read that some of my colleagues today in a committee hearing act as if a missile threat does not exist out there. Where were they a couple of days after September 11? Can

my colleagues recall what happened on September 11? We know September 11. Can my colleagues recall what happened a few days shortly after September 11? Think about it. Think about a missile, what happened with a missile. Do we remember what happened with that missile? A missile was accidentally fired in the Black Sea by the Ukrainian Navy by accident. Guess what that missile hit? It hit an airliner and it blew the airliner out of the sky.

Now, the horrible, horrible events of September 11 overshadowed this tragedy. The only reason I bring this tragedy back up to the House floor is there is a perfect example of a missile that was not intended, they did not intend to shoot down a commercial airliner, there was no intent to do that. That missile was targeted at that airliner by accident. Once that missile was launched off its ship, there was no way to stop it.

Some people think that the only missile threat to the United States of America is an intentional missile launch against this country. Wake up, folks. I am telling my colleagues that there is another threat out there. It is called an accidental launch against this country. Think of Russia, how many nuclear warheaded missiles they have in that land. It is possible. In fact, it is pretty possible that at some point in the future, one of these ballistic missiles may be, totally innocently and by mistake, could be fired by one nation against another nation. I hope that our country has in place a defensive mechanism that could stop the horrible, horrible events that could follow an accidental launch of a missile. I will talk about intentional firings here in just a minute.

But every peace activist in the world ought to be the biggest cheer leaders out there for a missile defense system. What would the United States do if, for example, a sequence of missiles fired by mistake were launched out of Russia against a major city in the United States of America? If the United States could stop those missiles before they did any damage, it is something that could be worked out at the bargaining table. But if the United States does not have, and some of my colleagues would wish upon the United States that we not have a missile defensive system, if we did not have a way to stop those, what would our response be if our Nation was hit by several simultaneous missiles from another country, and that country says, wait a minute, do not retaliate. We did it by accident, and we are sorry we wiped out four or five of your cities. We did it by accident. That is why I say peace activists. Let me tell my colleagues, it is a lot easier to sit down at a bargaining table if we were able to stop the incoming bullet than it is after we look around and see our colleagues dead and our cities destroyed.

Now, let me read a couple of quotes. Let me say that I am not going to use the names of the colleagues that these

quotes are attributed to, because I am not sure of the accuracy of these quotes, outside of the AP wire that I pulled it off of this evening. But let me say one of my colleagues says this: "Why would someone send a missile when they can just put it in a suitcase?" Well, my friend, my colleague, the fact is they can perhaps, we are not convinced of it, but they can, perhaps, put it in a suitcase, and we ought to prepare for that. But because they might put it in a suitcase does not mean they will not put it in a missile. I can tell my colleague right now that there are a lot more ballistic missiles with nuclear warheads sitting on them aimed at the United States than there are nuclear suitcases being carried around. Only because, frankly, they do not have the technology in a lot of countries to get their hands on a so-called nuclear suitcase. I can tell my colleagues that one ballistic nuclear missile makes that suitcase look like an amateur's program.

These nuclear missile heads can destroy entire cities. They can launch countries into war. We better prepare for those. I can remember Margaret Thatcher at the World Economic Forum, Beaver Creek, Colorado, 3 years ago. I cannot quote her exactly, but I can remember the quote pretty closely. She stood up and she looked at our Secretary of Defense, Bill Cohen at the time, under the Clinton administration, and her words were similar to this: she says, Mr. Secretary, Mr. Secretary, your Nation has a fundamental and fiduciary responsibility to provide its citizens with a missile defense system. Failure to do so would be pure neglect and would shirk your responsibility as a leader of this country.

□ 1915

Now, that is pretty close to what Margaret Thatcher said, and that is right on point. Do not let some of my colleagues here be naysayers and say, well, it costs too much to defend ourselves. The fact is, we had better do something about these nuclear missiles. Do not try to convince our constituents that they do not exist, or that one is not going to be launched against the United States of America or one of our allies. We have the technology. We are almost there.

Sure, it seems like a huge challenge right now. But what do Members think the airplanes seemed like to the Wright brothers? What did it seem like when they wanted to fire a weapon through a propeller on one of our fighter planes, when they were doing that? Look at all the technology. It is all a challenge.

There were a lot of people who said it was impossible when they first did it, but we are talking about the future of this Nation, the security of our citizens. We have an absolute obligation, we have an inherent responsibility, to provide a security blanket for this country and for our allies.

Let me go on. This is a quote, again, from my colleague. And again, let me

say that this is from the AP wire, so I am not sure of its accuracy. That is why I am not mentioning which colleague said this. But if it is accurate, I will not hesitate next time I am up here to use the gentleman's name.

It is inexcusable for this administration not to recognize that possibility and act on it. Speaking of this, why would somebody send a missile, instead of just putting it in a suitcase? One of the reasons they might is because they have one. There are a lot of countries in this world that have missiles. Let me show a poster.

My poster: Ballistic Missile Proliferation. Look at this: Countries Possessing Ballistic Missiles. To my colleague who asked the question, Why would someone send a missile when they can just put it in a suitcase, well, maybe some of these countries here who do not have missiles would not send a missile. But look at these countries that have missiles. The reason they would send the missiles is because they have them. They have the capability. They have the accuracy of these missiles. Unfortunately, several of these countries have nuclear capability, nuclear warheads on the tops of those missiles.

The day of wishing that there were not missiles out there aimed at the United States has long since passed. Wake up. The reality of it is, the United States is going to be a target. It was a target on September 11, it was a target in 1941, and it is going to be a target in the future. We are the leaders of this country. We are the ones who are charged with some kind of capability to look forward into the future and say, All right, what do we see as future threats against this Nation?

One clue might be if Members have a map that looks like this, that has all of these countries in purple with missiles, one might kind of draw a conclusion, hey, in the future, one of the threats against our Nation is going to be a missile, a missile coming in, an incoming missile.

As I said not many days after September 11, do not forget, that is exactly what happened. A missile was not fired at a U.S. commercial aircraft, but it was fired at a commercial airplane and it blew it out of the sky. This is by the Ukrainian navy. This is not exactly the most sophisticated navy in the world. This is not a country that is known for its military might. Yet, they are able to have the accuracy to fire a missile from a moving ship being rocked in the sea, fire that missile up and hit a small airliner in the sky and blow it to smithereens.

We need to see these future threats. Those threats exist today; those threats exist in the future. We have a fundamental responsibility to address these threats.

Let us talk about this. Here is what the missiles look like. That is the proliferation of missiles in this world. Imagine what it is going to look like in 10 years. How many of these white

spots here are going to have ballistic missile capability?

Now let us look at the next poster. Nuclear proliferation. Look at this: Countries possessing nuclear weapons: Britain, China, France, Pakistan, India, Israel, Russia. Look over here: Of concern, we think Iran probably has nuclear capability. We think Iraq probably has nuclear capability. I am confident that North Korea has nuclear capability. Libya, I do not know; that one might be questionable.

Members are saying to me that there is some question whether or not we need a missile defense when this many nations in the world have missile capability and have nuclear capability combined. Let me go on with a quote further. Again, the accuracy of this quote, I am depending on the AP press release. It came out of a committee hearing, apparently, by some of my colleagues.

Here is one of my colleagues. By the way, he is a Democrat. The only reason I point out that my colleague is a Democrat is, come on, this is not a partisan issue. Do not just attack Bush on missile defense because he is a Republican. Put the partisanship aside. This is a threat to every one of us. Remember, these missiles are not going to discriminate between Republicans and Democrats. This is a bipartisan issue. Do not just attack the administration simply for political convenience.

Listen to what this colleague of mine says: "We can't afford to waste billions of dollars because of the Bush administration's theological fascination with missile defense." Now, this is the most ludicrous, ill-informed statement I have heard from any of my colleagues in my entire tenure in the United States Congress. This colleague of ours says, "No threat assessment exists to justify the spending."

My colleague is not on the floor this evening to hear this. I wish he was. I wish he could come up here and discuss this with me, "No threat exists today to justify it;" not nuclear proliferation, not ballistic missile proliferation, not any of these countries over here to my left that have ballistic missile capabilities. In my colleague's opinion, none of this justifies, none of this justifies a missile defense security blanket for this country.

Let me go on and read some other things. "The administration's comments followed news reports on its new nuclear posture review." By the way, every administration does this. It says, "The Pentagon is developing contingency plans for using nuclear weapons against countries developing weapons of mass destruction."

Let me ask my colleague, what are they going to do about a country like Iraq? Iraq poisoned its own people. They went out, and Saddam Hussein poisoned his own people in an attack against the Kurds. Do we think this guy is going to go to church with us on Sunday, or over to the temple or wherever? This is a very sick individual who

may very well have weapons of mass destruction and is on a fast, mad race to accumulate as many weapons of mass destruction as he can get his hands on. How else are we going to address this?

Do Members think they can trust this guy? Look at the history of Saddam Hussein. How many years did the United States deal with him on inspections? How often were the inspectors stopped at the gates, the inspectors? The United Nations finally threw their arms up in the air. They said, We cannot do it. We cannot get our inspections done. Why? Because this individual, Saddam Hussein of Iraq, has no intention of stopping their pursuit for weapons of mass destruction. That is a threat to the United States of America, and these weapons of mass destruction involve not only nuclear weapons, but ballistic missiles fired at the appropriate location.

For example, take a look at North Korea and South Korea. North Korea does not need a nuclear missile to wreak havoc on South Korea. All they need to do is fire a couple of missiles, I think, 35 miles away and they can hit the city of Seoul; ballistic missiles, not nuclear warheads. What do Members think would happen to a city with a population of 20 million people if a few missiles hit one morning? What kind of panic would happen? Those are threats. Those are viable threats.

The only way in the long run to provide some type of defense against these missiles is to build ourselves a security blanket. If we have a system that will stop an incoming missile, and the technology is there, or will be there, if we have that, it makes those missiles and it makes a lot of these countries' capabilities to strike not only at the United States less, but it also diminishes or eliminates their capability to strike at other countries in this world.

We are being completely naive. We are refusing, maybe because we are afraid to, and I am speaking of some of my colleagues, we are refusing to confront the reality that we are not loved by everybody in this world. There are a lot of nations that would love to see the United States fail and be a nation destroyed. There are a lot of nations that, once they get the capability, if we do not have the capability, one, to retaliate, or two, to defend ourselves, they will not hesitate. They will not hesitate to take what steps are necessary to destroy the United States, for all historical purposes.

How can we sit by idly and criticize the President, a President who realizes this, who has had the guts to step forward and say that we are going to confront it? No Chicken Little here. We have to face up to this fact.

It is kind of like discovering cancer on oneself. We say, look, if I do not confront it, do not irritate it, maybe it will not spread. Yes, right. Do Members know what that cancer is going to do? It is going to spread. Do Members think it will stop because we hope it

will not go any further; because we think by not confronting it, by not cutting it off, by not taking radiation or chemotherapy that it is going to stop; that it is going to stop because you are a great person? Do Members think it discriminates because of its victims?

Just as deadly as cancer are some of these countries and people out there who are developing these weapons of mass destruction. Take a look at what they do. What is the number one country they trash? What is the number one country? They take their children as soon as they can learn and they teach them to hate the United States of America. Yet, we have Congressmen of the United States of America willing to say that, Gee, there is no threat assessment that exists to justify spending money for a missile defense system.

I think Colin Powell said it best this weekend: One of the reasons for a nuclear policy, one of the reasons they called those missiles peacekeeping missiles, is because, and I am quoting Colin Powell, "We think it is best for any potential adversary to have uncertainty in his or her calculus." We want people out there to know that if they decide to fire one of these ballistic missiles against the United States of America, if they decide to launch a September 11 attack against the United States of America, they are going to have in the back of their minds what type of retaliation this will bring upon them.

□ 1930

Let me summarize what I have been saying here for the last 15 or 20 minutes.

I was surprised today to pick up an AP wire entitled Lawmakers Doubt the Need for a Missile Defense System for This Country." That is naive at its height. That is a remark based on kind of a shot from the hip, a reactionary remark.

Think about the kind of threat that this country faces. It is not imaginary. We know that missiles have been launched by countries, including our own country, by mistake. Missiles are very lethal weapons and we add on top of the missile the leadership of a country that is politically unstable; we add on top of the missile a missile system that is not adequate, does not have adequate safeguards and could be fired by accident; we had on a missile, put on top of the missile itself a nuclear warhead; we continue to see the ballistic missile proliferation spread around the world, and then our colleague has the audacity to sit up and tell the rest of their colleagues that we should not be building a missile defense system, or as I quote, we cannot afford to waste billions of dollars because no threat assessment exists to justify the spending. No threat assessment exists to justify this spending. The threat not only is out there, it exists in a very threatening mode, and I am telling my colleagues the consequences.

Do I think it is going to happen tomorrow? I hope not. Do I think a lot of countries are all of the sudden going to fire random missiles against the United States of America? No. But do I think countries throughout have that capability? There is no doubt they do. Do I think there are countries out there who are not friendly to the United States of America who, in fact, have made throughout their history open resentment towards the United States of America, had the capability and possessed missiles that could wreak destruction upon the United States of America today if they desire? The answer is yes.

One of my colleagues, and I said earlier, one of my colleagues, and let me quote that colleague, "Why would someone send a missile when they can just put it in a suitcase?" The reason they would send the missile is because they had the missile. They have got the capability to wreak destruction with these missiles, and the other reason they would launch a missile is because they know the United States of America cannot defend itself against an incoming missile.

What President Bush has done, Vice President DICK CHENEY, Donald Rumsfeld, Condoleezza Rice, Colin Powell, what this administration has done is not run from it, not pretend that the threat does not exist; but they have confronted it, and they have said to the world, and many of our allies, by the way, have joined in this statement, they have said to the world, the United States of America no longer intends to go into the future without a defense mechanism to protect its citizens and the citizens of our allies and our friends from a rogue nation firing a missile against us.

It is unbelievable to me, unacceptable and frankly a violation of a fundamental obligation for any one of us on this floor to stand up and say that a missile threat does not exist against the United States of America in such a way that would justify us defending against it with a missile defensive system. That is stupidity, stupidity not referring to my particular colleague and his personality, but stupidity in the thought that by simply putting shades over your eyes, that the missile threat against the United States of America will just disappear. It makes as much sense as closing your eyes to cancer on your body and saying if I pretend it is not there or if I simply acknowledge that it is there and ignore it, saying that it does not justify me going to the doctor to see about this cancer, it will go away on its own. It will only grow, and it will only become more deadly and more threatening to a person's very existence; and the same thing happens here.

Every one of us, whether Republican, whether Democrat, regardless of party affiliation, September 11 was a wake-up call for all of us and not just in the United States. September 11 was a wake-up call for the world. There are

evil people out there who do not care who their victims are. It has been said 10 million times if it has been said once, the victims on September 11, they were not white Anglo, they were not U.S. citizens, restricted to those. They were every nationality, 80 different countries, all kinds of ethnic backgrounds. It did not matter. It was a son or daughter, mother or father, sister or brother.

It did not matter to these people who did not care, and some of my colleagues who think that some of these evil people will care and will not launch a ballistic missile, and let me tell my colleagues they have got them out there, there are countries out there, will not launch some type of harmful missile against this country is naive. It is going to happen. It is going to happen at some point in time.

The people who have made these remarks, if, in fact, they are accurate, I want my colleagues to put this in a little time keeper, and remember a few years from now, God forbid this ever happens to our country, but if it happens, I want my colleagues to remember the position they took in the U.S. House of Representatives with the statement, no threat assessment exists to justify the spending to build a ballistic missile system to protect our country.

Let me wrap it up by telling my colleagues, we do not stand alone in the world. In fact, I think it is safe to say that every country in the world that could get their hands on a missile defense system mechanism would deploy it. Why? It only makes sense. It is like getting a bulletproof vest. The other side may complain. Maybe the criminal is going to complain because the police officer gets the advantage of a bulletproof vest, but if the criminal had the opportunity they would put them on, too. Why? Because it gives them an advantage.

We have a lot of nations in this world that support the United States of America in building a missile defense system. We are in partnership with Canada. The Brits are supportive. The Italians are supportive. And I can guarantee my colleagues, once we get the technology mastered, there will be a lot of nations knocking on our door saying, hey, do you mind if we had that missile defense system; do you mind if we provide a security system for our citizens.

So I urge my colleagues to reconsider some of the statements they have made today in opposition to a missile defense system, and frankly, get ready for it. My colleagues can jump up and down all they want for media attention, for partisanship advantage; but the fact is, this administration will do what is necessary to protect the citizens of this country with the security blanket for a missile defense. It is a critical and fundamental obligation that we have to not only our generation but future generations.

Mr. Speaker, I am going to shift my comments pretty dramatically here. I

was not going to speak about missile defense this evening because, frankly, I have had several discussions on the House floor here with my colleagues about that; but after I read those remarks today, I could not resist it. I mean, I felt fire in my belly to come up here to the House floor and talk about that.

Now I want to move towards more the direction I had planned all week to come tonight and the comments I wanted to make.

Let me start out as I said at the beginning of my comments, colleagues. My district's in the State of Colorado. For those of my colleagues that do not know, Colorado is the only State in the Union where all of its water runs out of the State. We have no water that comes into the State of Colorado for our use. All of our water goes out of the State, and Colorado's a very unique State in its geographical makeup and frankly in its geographical location and its elevation.

It is the highest point on the continent. In our area, for example, I think there are 64 mountains in the United States, including Alaska, I think 64 mountains that are over 14,000 feet, 64 of them. Fifty-six of those 64 mountains are located in the State of Colorado, 79 percent of the Nation's 14,000 foot peaks, and over 600 peaks at 13,000 feet. We have over 1,000 mountain peaks over 10,000 feet. The average elevation in the State of Colorado is 6,800 feet. That is a thousand feet over a mile. Well over a mile is the average elevation in the State of Colorado.

Take a look at the lowest point in the State of Colorado. It is about 3,400 feet. That is about the lowest point in Colorado. The difference between our lowest points and our highest points are 11,000 or 12,000 feet. So just as a result of the elevation alone, we have got dramatic weather; we have got dynamics that do not happen in other States.

The State of Colorado is a critical State for a number of different reasons, but first of all, look at what we find within the boundaries of the four corners. First of all, we find the plains. A lot of people think that Colorado's just a mountain State, that it is the State of mountains; but half of the State of Colorado are the plains, and when we look at Colorado, and I will just use my pointer here. To my left I have a better map of Colorado, but when we get on the very western edge, we actually have the desert plateaus. On the eastern side of the State of Colorado we have the plains, and then of course in between the desert plateaus and the plains we have the Colorado Rockies and some other mountains, not just the Rockies.

To give my colleagues an idea of the land mass of it, it is about the eighth largest State in the Nation. I guess it is number eight. It has got four major parks that are without trees. There may be a couple of trees but generally without trees, north park, south park, places like that.

Colorado's a very unique State and one of our most important assets in the State of Colorado is snow. Colorado's a very arid State. It does not get much rain. We cannot depend on our rainfall for our moisture. We have to depend on our winter snows. This year, for example, we have a lot to be concerned about because our winter snowfall is significantly below average. Now, not only Colorado that is dependent upon the snow fall in Colorado, but many, many States in the Union, well above 25 States in the Union, are also dependent for their water upon the snow fall in the high mountain peaks of the State of Colorado; and we not only depend on the snow fall in Colorado for our water, but we also depend on it for our economic well-being.

Our ski areas, as my colleagues know, Colorado probably has the finest ski areas in the United States. Certainly known throughout the world for skiing in Colorado because of its elevation, because of the light, dry snow. So snow is a critical factor out there in our mountain region.

Before I move much further, I want to give a little history. I have reviewed this history before, but it is important to remember Colorado is a State that is unique. On the western side we have the mountains and the eastern side we have the plains, generally speaking; and Colorado really is almost like two States. I am not suggesting it is two States or that it should become two States; but the dynamics in public ownership, public lands, where the forest lands are, where the Bureau of Land Management is, where the mountains are, one part of the State is water provider. The other part of the State is a water user.

There are lots of different dynamics that play within its boundaries for Colorado, but first of all, I thought we ought to look at the dynamics of the continental United States and where the West fits in, why life in the West is a little different than life in the east, why the water issues in the West for example are entirely different in many cases than the water issues in the East.

In many places in the eastern United States, the problem is getting rid of water. In the West, the problem is storing the water. In fact, if we drew a line down through Kansas and Missouri kind of like this, that portion of the United States gets about 73 percent of the water. If we took a look at the mountain region here, which is about half of the United States geographically, it only gets about 14 percent of the water.

□ 1945

When the good Lord created this continent of ours, for some reason there was not even distribution of the water. So water becomes a critical factor.

Now, let us take a look and kind of go back in time, go back in history, when our country was first being settled. The real comfort, and where most of the people lived, was on the East

Coast, over here to my left. And the West, really, if you went very deep into Virginia, you were considered in the West. There was not much settlement at all, except for the Native Americans, of course, and the Mexicans. This was the nation of Mexico here. We actually had France and a number of others, but I think my colleagues understand what I am saying.

The population of the United States in our early days was on the East Coast, and our leaders wanted to expand the United States of America. They wanted to make it a great country and they wanted to conquer and obtain as much land as they could. But in those days when the land was purchased, it did not mean much. Title to the lands did not mean much. What was important was who possessed the land. And to possess the land, you really needed to be on it with a six-shooter strapped on your side.

So as this young country began to grow and we began to expand to the West, our leaders said, Well, how do we encourage people to move from the comfort of their homes on the East Coast into the inner part of the country, into this new land we bought? How do we get them to possess it? And the idea they came up with was, Well, let us give away land, like we did in the Revolutionary War. Believe it or not, in the Revolutionary War is when we first had other land grants in this country. We would give land or offer land to British soldiers who would defect and come to our side. We would give them free land.

After all, our leaders correctly assessed that every person's dream, or most every person's dream was to own a piece of their own property, to build a home, to farm. Back then in the early days of our country, 99 percent of our population was involved in agriculture. So to be able to cultivate your own fields, to have your own wheat, your own cow, your goats, et cetera, et cetera, was everyone's dream. So they decided to offer land to encourage people to settle in the West. People would go out there, live on it, and they would be given 160 acres, or 320 acres, depending on the program they were involved in.

Well, that worked pretty successfully, except for one region of the country, and that region is depicted by the colors on this map to my left. You can see some of these States have very, very little Federal lands. In the East the only real big blocks of Federal lands are down there in the Everglades, the Appalachians, and a little up here in the Northeast. In a lot of States, when you talk about public lands, people think you are talking about the courthouse. That is because the government was able to successfully turn this land over to private ownership by encouraging people to go out and settle the land.

Well, the problem was that as soon as they hit the Rocky Mountains, and take a look at the State of Colorado,

right here, right where the white hits the color on this map in the State of Colorado is exactly where the mountains start. And what happened is, when the settlers began to hit the mountains, they discovered 160 acres would not even feed a cow. In eastern Colorado, again referring to my map and going over here to my left, in eastern Colorado, 160 acres could support a family. In Nebraska and in Kansas you could support families there. But as soon as you hit those mountains, boy, the dynamics changed pretty dramatically.

So they went back to Washington and they said, What do we do? We are not getting people to live in the mountains. They are not possessing the land so that we can lay claim to the land. Although we bought the lands, our Nation says we need people to be up there.

What happened was, they had discussions here in the Nation's Capital and they thought perhaps what they should do is give them an equivalent amount of land. If they gave 160 acres in eastern Colorado or in Nebraska, take what they can grow on that and see how many acres in the mountains it would take, and maybe give them 3,000 acres.

Well, what happened was that at the time they were making a lot of these land grants, the railroads had already been given large amounts of land and there was political pressure not to give any more government lands away. So the government, our leaders in Washington, D.C., consciously decided to hold the land in the government's name for formality purposes, but to let the people go out into the West and use it for multiple uses. A land of many uses. Those are enchanted words for us in the West. That is what we grew up under.

In my particular congressional district, which geographically is larger than the State of Florida, every community in my district, except one, every community in my district, which is about 120, 119 communities, is completely surrounded by government lands. We are totally, not partially, not just a fraction, but totally and completely dependent upon government lands for our water, for our highways, for our utility lines, for our telephones, for our agriculture, for our recreation, for our environmental needs, for our enjoyment, for our own open space. All of those are completely dependent upon public lands, and that is the major difference between the West and the East.

So I oftentimes find myself listening to some of my eastern colleagues, for whom I have great respect, talking about but not really understanding why we are so sensitive in the West when people in the East say, Well, let us just take this land out of bounds, let us get the people off this land, let us limit multiple use. Clearly, we have to manage these government lands, but we have an entire part of our Nation's population that live amongst those government lands and live on those government lands. And before we make

decisions here, we need to understand that. My colleagues need to put themselves in the same kind of living situation, in other words, completely surrounded by government lands as we are in the West. So that is the clear distinction between the West and the East.

As we move further, and now that we have a little description, let us move back to the State of Colorado and let me pull this other poster up here quickly. Now, this poster is a little cluttered, but I think I can go through parts of it. First of all, because Colorado has an average elevation of about 6,800 feet, because it is the highest point in the continent, obviously we are going to have a lot of water that runs off when that snow melts.

Now, in Colorado, we have all the water we need for about a 60-to-90-day period of time, and that is actually beginning as we speak. It is called the spring runoff. Colorado is known as the State of the Rivers, the Mother River State, because we have five major rivers that have their headwaters in our State. But as the snow begins to melt, the water available diminishes dramatically. For example, we supply water not only for other States, but we even supply water for the country of Mexico.

Here in the State of Colorado, this bright yellow section, basically, are the public lands of Colorado. That is what the public lands look like. All the rivers, all the headwaters are up here in the high mountains, and they run all directions out of the State of Colorado, as the mother rivers. Let me give a couple of the rivers. We have the Arkansas River, the Rio Grande, the South Platte River, the Colorado River, and so on.

Now, what I hope to do, what I wanted to do tonight, and I intended to get a little further in my comments than I have, but I wanted us to visit a lot about that missile defense system, so we did not get quite through the series that I wanted to this evening, more specifically, on water coming out of those mountains, and what the salinity issues are, what the dilution issues are, what the multiple use issues are, what the water storage issues are, what are the hydropower issues, and why is it critical that we have a good understanding all across this country of multiple use on public lands? What does it mean not to divert any water?

So these are issues that I kind of wanted to just tempt you with a little this evening. Now, I intend to continue my comments next week in much more depth on the dynamics of the high mountains, on the San Juans down in the southwestern part of the State, on the below-average snowfall that they have had this year and what the consequences of that is to fellow, down-river States; what down-river really means; what the wilderness areas are and what kind of impact the wilderness areas have; the government lands, the range management.

There are lots and lots and lots of issues that face us high in the Rocky Mountains that are unique to the mountains or unique to the West, not found very often in the East, in fact, in some States not found at all.

So I look forward next week to discussing these issues with my colleagues.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2146, TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. DIAZ-BALART (during special order of Mr. MCINNIS) from the Committee on Rules, submitted a privileged report (Rept. No. 107-374) on the resolution (H. Res. 366) providing for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2341, CLASS ACTION FAIRNESS ACT OF 2002

Mr. DIAZ-BALART (during special order of Mr. MCINNIS) from the Committee on Rules submitted a privileged report (Rept. No. 107-375) on the resolution (H. Res. 367) providing for consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say in the beginning that myself and other Democrats over the last week, and certainly over the next few weeks, will take to the floor repeatedly to bring up the issue of the Social Security trust fund, and our concern that the President and the Republican leadership in the House are very deter-

mined to push for changes in Social Security that would lead to privatization, and at the same time, the budget that the Republican leadership will bring up to the floor, I understand it will be coming up as early as next week, unfortunately goes into deficit and effectively spends the Social Security trust fund, once again, we have not had this for a couple of years, in order to pay for current expenses.

The Republican proposal to privatize Social Security, as well as the proposal to spend the Social Security trust fund for basically ongoing government operations unrelated to a retirement benefit, both of these proposals by the Republican leadership in the House and by the President, will undermine Social Security and make it more difficult for Social Security to remain solvent, and basically shorten the time before we face a crisis in Social Security when benefits will be cut or will no longer be available.

That is the concern that I and other Democrats have, and we will be speaking out against it because we believe very strongly that none of these things should happen, that we should not privatize Social Security and that we should not be spending the Social Security trust fund to pay for ongoing expenses.

Let me start, Mr. Speaker, by pointing out that Social Security is probably the most successful social program the Federal Government has ever implemented. It provides an unparalleled safety net for the vast majority of America's seniors. For two-thirds of the elderly, Social Security is their major source of income. For one-third of the elderly, Social Security is virtually their only source of income. And for these reasons, and a great many others, we must do everything in our power to protect and strengthen the existing Social Security program for the short and the long term.

Mr. Speaker, I gathered some information that gives us some idea about the importance of the Social Security program and also how successful it is, how unique it is, and I wanted to go through a little of that, if I could, in a little detail, not a great deal of detail.

Why is Social Security important? As I said, it is the single largest source of retirement income in the United States. For six in ten seniors, Social Security provides half or more of their total income. Among elderly widows, Social Security provides nearly three-quarters of their income, on average. And four in ten widows rely on Social Security to provide 90 percent or more of their income.

But it is not just a retirement income program. About 30 percent of Social Security beneficiaries receive disability or survivor benefits. We tend to forget that. We tend to think it is only a program for seniors. For a 27-year-old worker with a spouse and two children, Social Security provides the equivalent of a \$403,000 life insurance policy or a \$353,000 disability insurance policy. The

vast majority of workers would be unable to obtain similar coverage through the private market.

Social Security is also family insurance. It provides benefits for elderly widows and young parents who have lost a spouse. It provides a dependable monthly income to children who have lost a parent to death or disability. It even pays benefits to those who become severely disabled as children and remain dependent, as adults, on a parent who receives Social Security.

Now, a lot of people, and I find this to be often true about some of my Republican colleagues, they will say, Well, Social Security is just another government program, it is a waste of money, it is not administered well. We hear these kinds of criticisms. The reality is very different. There is no government program that is more successful than Social Security.

□ 2000

It is the single most effective anti-poverty program. Its benefits lift over 11 million seniors out of poverty. Thanks to Social Security, the poverty rate of elderly persons is only 8 percent. Without it, nearly half of retirees would live in poverty. That was the case before we set it up. More than half of the people over 65 lived in poverty before Social Security came on board.

Over the course of its 67-year history, Congress has prudently managed the Social Security program. Each year the Social Security board of trustees issues a report showing short-range and long-range 75-year projections of the income and costs of the system. Congress uses these projections to balance the promise to pay future benefits against workers' desire and ability to pay for them, and it has adjusted the program periodically in light of changing economic and demographic conditions. So we have had to change it, but we have always changed it in a positive way.

Finally, I would stress that Social Security is administered very efficiently. Only one penny of every dollar Social Security spends is for administration. The rest goes directly to beneficiaries in their monthly checks.

Let me say just a few more things about the uniqueness of Social Security. It is nearly universal. Over 95 percent of all workers are covered by it. In contrast, less than 50 percent of workers have employer pension coverage on their jobs. It is also totally portable. It goes with a worker from job to job. Traditionally, private sector pension plans lose value if a worker changes a job. It is also, and this is very important, a defined benefit. That is, its benefits are determined according to the level of a worker's earnings and years of work.

So this type of pension system provides income continuity in retirement by replacing a fixed percentage of a worker's preretirement earnings. Benefits are paid as long as the worker and his or her spouse lives and the monthly

benefit amount is predictable and steady. This is very different in contrast to a defined contribution system like a 401(k) or an individual savings account which can pay out only what is in the account. If a worker did not contribute in certain years or has poor investment results or just the misfortune of retiring in a down market, he must get along on less. If the account is exhausted before a worker reaches the end of his life, she or he will have nothing left to live on.

The idea of Social Security is that it is an insurance policy. It pays benefits whenever an insured-against event happens. It protects against the risk of having low income in old age, and it spreads risk broadly throughout society to lower the cost of these protections and to make them affordable for all.

I just mention this because sometimes I think that some of my Republican colleagues think that Social Security does not work. It does work. The scary thing is that to my great disappointment, we now have both the President when he established his Social Security commission and now the gentleman from Texas (Mr. ARMEY), the majority leader, and other Republicans are promoting Social Security privatization. What do they mean when they talk about privatization? It sounds like a nice idea, privatization. Basically, they are talking about replacing all or part of the current Social Security program with a system of individual retirement accounts.

I just want to read to my colleagues, if I could, this is the New York Times, February 16, about a month ago, a little less than a month ago, the gentleman from Texas called for a new push on Social Security, and a big part of that was the idea of privatization. His proposal allows workers to invest part of their Social Security money in the stock market, a change that I believe would mean deep cuts in guaranteed benefits and create big financial risks for retirees. This is what he is proposing. This is what he keeps pushing.

If I could just give a couple of concerns about the privatization, then I would yield to the gentleman from Arkansas. I am pleased to see that he has joined me. If you think about diverting the funds from Social Security into individually owned accounts, what you are doing is transferring investment risks from a pool of workers to the individual. This is not risk free. If you start having this private account where you have control over how you invest it, there is a certain amount of risk involved for the individual.

All of the evidence shows that plans that allow people to divert part of their payroll taxes into private accounts not only runs a risk for the worker but it aggravates Social Security's financing problems. If some of the funds coming into Social Security over the next 75 years are diverted away from the program and into private accounts, then it

is obvious that there are going to be less funds available to pay out future benefits for the people that are depending on Social Security. For example, if 2 percentage points of the current 12.4 percent payroll tax were diverted into private accounts, then the Social Security trust funds would be exhausted in 2024, 14 years earlier than now expected. In short, if funds are diverted away from Social Security programs as they currently exist, the changes that are already needed to return Social Security to fiscal soundness will have to be more severe.

What I am saying is that not only by diverting some of the Social Security money to private accounts there is more of a risk for that individual who is doing that, but since there is less money in the Social Security trust fund, the problem that we expect in about 30 years or so when there may not be as much money in Social Security and it may not be able to pay out the benefits is only going to be aggravated. That time will be much earlier because those funds are going to be diverted.

I have a lot of other things I want to talk about, but I see that my colleague from Arkansas is here. I yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. I thank the gentleman from New Jersey (Mr. PALLONE). It is good to join him this evening as we talk about the future and the security of Social Security, something that so many of our seniors rely on as their only source of income as they grow old and try their best to make ends meet. I think we have got a train wreck waiting to happen. To set the stage for what I am about to say, I want to start by mentioning this about the debt, because they are related. A lot of the politicians in Washington these days seem to not want to talk about the debt. The debt in this country is \$5.7 trillion. If President Bush's fiscal year 2003 budget is passed, it will grow by some \$100 billion. What does that mean for all of us in our daily lives? Some people in this country think we spend too much money on food stamps. That is \$2 billion a month. Some people in this country think we spend too much money on foreign aid. That is \$1 billion a month. Mr. Speaker, we spend \$1 billion every single day in America just paying interest, not principal, just interest on the national debt.

What is \$1 billion? If I put that in a calculator, I get that little E at the end. What helped me bring it home, I was recently touring a brand new, state-of-the-art elementary school in Monticello, Arkansas. As I walked through that building, I learned that it cost \$5 million. And it hit me. We could build 200 brand new, state-of-the-art elementary schools every single day in America just with the interest we are paying on the national debt. Just with the interest we are paying in a few days we could create a program that would truly modernize Medicare to include medicine for our seniors. I have

got two, actually three interstates pending in my congressional district. Give me a couple of weeks of that and I could build one of them. Give me a day and a half and I could build the other two. That is having an enormous drain on our finances.

I bring that up to set the stage for what I am about to say, because my grandparents left this country much better than they found it for my parents and their generation. My parents have left this country much better than they found it for my generation. I think we have a duty and an obligation as citizens and certainly as Members of the United States House of Representatives to ensure that we leave this country much better than we found it for people like my two children who are back at home tonight with my wife in Prescott, Arkansas.

The reason I point that out is because not only is that something that our children are going to inherit if we do not address it and address it soon, but they are also going to inherit a Social Security system that is bankrupt. When Social Security was created, we had one person drawing benefits for every 30 or so paying in. Sometime between 2011 and 2016, depending on whose numbers you want to believe, we are going to have more people earning Social Security benefits than paying into the Social Security system. And everyone agrees that by 2038, Social Security as we know it today will no longer be there. Social Security will be broke by the year 2038. That may seem like a lifetime away, but if each of you will stop for a minute and think back to 1964, I bet every one of you in this room can remember something you did that year. 1964 to 2002, 2002 to 2038, it is the same time frame in terms of the length of time that will go by. 2038 will be here before we know it.

And when I say Social Security is broke in 2038, that is assuming that the \$1.2 trillion that we have borrowed from the Social Security trust fund, the government has borrowed \$1.2 trillion from the Social Security trust fund and it will be broke in 2038 even if the government figures out a way to pay that money back by then. It is still broke in 2038. I know some folks will say, That's how you have to invest Social Security trust fund money, is in the government.

I do not argue with that, but I do argue and make this point: I have got a loan at a bank and I think most of you in this room probably owe money. When you go to the bank and sign a loan, normally they want to know how you are going to pay it back. Yet we continue to borrow money, to write IOUs to the Social Security trust fund with no provision, no plans, no idea on how that money is ever going to be paid back. I think that is wrong, and that is why the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund and to keep their hands off the Medicare trust fund.

I believe privatizing Social Security even complicates and makes this train wreck waiting to happen much worse. The idea that you can choose even a small percentage of your Social Security moneys to play with in the stock market simply does not work. Let me tell you why. We would all like to believe, and believe me there are a lot of people in government that want you to believe, that there is a Social Security account set up with your name on it and all the money that you have had withheld and all the moneys that the employer matches are sitting there in a fund with your name on it. But that is not how Social Security works. Our parents have worked and paid into the system, and the money that they have paid in has gone to take care of their parents and grandparents.

Now my generation is working and the money that we are paying in to the Social Security trust fund goes to take care of my parents and grandparents. That is why education is so critical to our children's future. We are trying to ensure that our children can get a good, sound education so they too one day can grow up and have a good job and pay into the Social Security trust fund to take care of us when we grow old. And the cycle will continue.

If you take even a percentage of that and let those who are paying into the Social Security trust fund play with that money in the stock market, it causes a real problem, because that is not how Social Security works. So that is a major concern.

Another major concern is one, what I call a wake-up call that I hope we all receive from Enron. There is a reason that you can make a lot of money. There is a reason you can lose a lot of money when it comes to stock. It is a risky business.

I believe that our government should provide incentives to encourage small businesses and businesses of all sizes to provide 401(k)s, simple IRAs, and other saving opportunities, because Social Security was never intended to be your only source of income when you retire. I own a small business along with my wife back home in Prescott, Arkansas, a small town in rural south Arkansas. We have 12 employees. For those 12 employees, we do something that a lot of small businesses either cannot do or refuse to do, and that is provide an alternative retirement plan that hopefully someday will go a long way toward subsidizing their Social Security income. It is a simple IRA. It is created, much like a 401(k), for small businesses. We do have a duty and an obligation in Congress to find ways to encourage businesses of all sizes to provide those kinds of saving opportunities for their employees. But it should be above and beyond and separate from Social Security.

This is especially important to me, because my grandmother, I am very fortunate and blessed, she is still living. She is 90, she is blind, she is not in the best of health anymore, but she has

lived from Social Security check to Social Security check.

□ 2015

My grandfather died when I was 1 year old and my grandmother first learned how to drive a car. She then got her GED, and then she went to nursing school and came back to our hometown and was a nurse for 20-some-odd years, a hospital that did not have a retirement plan, a job which required her to save what little she could and then get by from Social Security check to Social Security check when she finally retired.

I understand what that Social Security check means to our seniors. We need to see those checks grow. We need to save Social Security, and for the life of me, I am convinced that any form or fashion of privatizing Social Security, taking Social Security money and putting it in the Enrons of the world, will do nothing but reduce benefits and risk the future of Social Security.

When you look at it, coupled with pensions and personal savings accounts, Social Security benefits form the three-legged retirement stool on which many seniors rely. I do strongly support encouraging workers to save and invest more of their income, but to take money out of Social Security through privatization would undermine the security that Social Security was created to provide, especially for women and minorities, that on average earn less and have less to save. Women, African Americans, Hispanics are more likely to lack pension benefits, and also are the least likely to receive interest, dividends or pension income. As a result, these groups have a large stake in the solvency of the Social Security program.

Women particularly benefit from Social Security. Because of Social Security's progressive benefit formula, lower-wage workers receive higher dollars in Social Security benefits. Women who earned lower wages and/or had fewer years in the work force, perhaps because they were at home raising a family, receive larger monthly benefit amounts. In addition, due to their often unique working patterns and lower average wages, women typically have lower rates of pension coverage and income than do men.

According to the Center on Budget, Policy and Priorities, Social Security replaces 54 percent of the average lifetime earnings for female retirees, compared to only 41 percent of the earnings for male retirees. In addition, privatizing Social Security does not consider disability and survivor benefits, both of which are more often utilized by women and minorities.

We must ensure the solvency of Social Security, but we should not undermine the protections or the guaranteed benefit the program provides to all seniors. Similar to the prescription drug debate, Congress and the President must begin to make tough choices and put our energy into enacting real pro-

tections for the Social Security system and a quality affordable prescription drug benefit.

We need to have an open and an honest debate to find common ground and common sense solutions to really shore up the Social Security system. We should not wait until after the November elections to talk about this issue. We owe it to our seniors and to the working people of America to take on this issue and make sure that Social Security is there for them and their children and, yes, their grandchildren.

The American people deserve to know where we stand. I am proud to go on record as standing against privatization of Social Security and fighting to ensure the future solvency of Social Security for my parents, my grandparents, and yours.

Mr. PALLONE. I want to thank the gentleman from Arkansas, because I think that he really laid out very effectively what the Social Security program is all about and the problem that we face with solvency, which, of course, is still 30 years away, where we begin to not have enough money to pay out benefits. But if we start to do privatization, if we start to spend this trust fund, which, as you know, the budget that the Republicans, I guess, have come up with tonight that we are going to be voting on next week essentially spends a lot of the Social Security trust fund to pay for current expenses.

But if I could, I wanted to just develop a couple of points that the gentleman made about the risk of privatization, the impact on women, the impact particularly on minorities, because these are serious concerns.

One of the things particularly I thought was interesting that the gentleman talked about was the impact on women. I think a lot of people forget about the progressive method that is employed in Social Security. In other words, if you are paying, as the gentleman said earlier, a lot of people think, okay, I have this account where my money is put aside and that is the money that I get paid back.

It does not work that way. The current workers are paying for the people who are now retired, and the fact of the matter is that a lot of the people, particularly low-wage earners that paid less into Social Security, are getting a lot more than they paid into it. That is particularly true about women.

These are some statistics that we had, that women constitute the majority of elderly Social Security beneficiaries. I guess most people realize that about 60 percent of Social Security recipients over the age of 65 and 72 percent above the age of 85 are women. But because women, on average, earn less than men, it means they are counting upon the Social Security progressive benefit structure to ensure they have an adequate income in retirement.

They are also less likely to be covered by an employer-sponsored pension

plan, so they are even more dependent on Social Security, because they do not have a pension. Also women live longer than men, we know that, so they have to make their retirement savings stretch over a longer period of time.

So if you did the kinds of privatization that the Republican leadership and the President are talking about, where you have these individual account balances, and the annual benefits they yield are a direct result of the deposit, the kind of thing the gentleman said people think we have with Social Security, but we do not. Because women earn less and spend less time in the work force, they would have less to deposit; but because they live longer in retirement, they would have to stretch out those payments from their accounts over more years. They would have to live on smaller benefits from smaller accounts, essentially.

It is the very nature of Social Security, that it is not like an individual account and that you are actually getting, even though you may not have paid in as long and may not have paid as much, more as a benefit, because of the progressive nature of it. That particularly impacts women, because they tend to be lower-wage earners and because they live longer.

The other thing with the risk, I am amazed, because I live in New Jersey, and I saw a statistic once that said in New Jersey people tend to invest in the stock market even more so than most other States, probably maybe because we are near Wall Street or whatever. It is probably true for New York as well, but definitely it is true for New Jersey. Until recently, I think, over the last 10, 12 years, people thought, why can I not take my money out and invest it in the stock market? I am going to get all kinds of returns on my investment.

But if you look at the trend over the lifetime of, say, Social Security workers, those who are now retired, those who are over 65, there is no indication by investing in the stock market they would have benefited and would have a lot more money available today than if they were able to take their Social Security over that period of time and invest it in the stock market. I just want to give a few statistics.

Basically, this is the information on the stock market that I thought was interesting. These are just some for the last couple of years.

Between March 2000 and April 2001, basically the index fell by 424 points, or 28 percent. If Social Security had been privatized, a worker who had his or her individual account invested in a fund that mirrored the stock market and who retired in April 2001 would have 28 percent less to live on for the rest of his or her life.

If you look over the last century, there were 15 years in the past century, 1908 to 1912, 1937 to 1939, 1965 through 1966 and 1968 through 1973 in which the real value of the stock market fell by more than 40 percent over the preceding decade. So anybody who tells

you, oh, you know, if I had invested my money in an individual private account rather than Social Security, I would be much better off, you cannot show that. It is just not true.

The other danger, of course, is that not everybody would necessarily invest in a mutual fund; they would pick and choose stocks, and there is a certain risk involved in that. Some people come back to me and say, Congressman PALLONE, Why are you so worried about this, because, you know, everybody should be able to make their own choice? If somebody wants to take their Social Security and invest it in a private account, they lose their shirt in the stock market, that is their problem. You cannot be sort of paternalistic and worry about that person.

My response is that is, very nice, but those people who lose their shirt in the stock market and do not have the retirement benefits, where are they going to go? They are going to come back to Congress and say, wait a minute, I invested my Social Security in the stock market. I lost my shirt. I am out on the street. What are you going to do to help me? The burden then comes back to the government again.

So I just do not buy this idea that we are supposed to say okay, everybody makes their own decisions, and somehow this is the right thing to do ideologically.

The bottom line is that Social Security is like an insurance pool, and everybody pools their resources and everybody benefits; and if you start taking out pieces and let people make their own decisions about their money, then you run the risk that a lot of them are not going to have their money and they are going to come back to the government and look for a bailout later.

I do not know. I know a lot of arguments are used by our Republican colleagues to justify this privatization, but I do not think they are legitimate arguments if you look at the impact and if you seriously look at what might happen if that were to occur.

The other thing, of course, that concerns me right now is that, as the gentleman knows, for the last few years we were basically balancing the budget, and we had a little bit of a surplus; and under the previous administration, under President Clinton, in the last few years of his administration, as the surplus grew, we were actually taking some of that surplus and we were investing it or using it to pay off the debt. The idea was that it would shore up the Social Security fund, and the outyears, the years, as the gentleman says, when Social Security would not have enough money to pay out, were getting further and further away.

But now, with the budget that we are going to get from the Republican leadership and from the President, tonight I think it is already out and it will be voted on the floor next week, by spending the Social Security trust fund for current expenses unrelated to Social

Security, that outyear when we are going to start to run out of money is going to get closer and closer; and privatization only aggravates it all the more if we were to move in that direction.

So these are the kinds of things that obviously we worry about as Democrats. I think it is no surprise that we are seeing a lot of our colleagues come on the Floor and talk about these concerns, because it is a very scary thing for the average senior citizen, the average person receiving Social Security, and I think we have got to make the public understand what is happening with Social Security, what is happening with the trust fund, because I just do not think a lot of people are necessarily aware of it.

I do not know if the gentleman finds that to be true at his town meetings or whatever. I think there is a lot of confusion on the part of the public about what is happening with Social Security, and some of these proposals that are out there in terms of where we are going to go and how we are going to make it solvent. I do not know if the gentleman wants to comment on that at all.

Mr. ROSS. Well, I thank the gentleman. I guess the reason that we have gotten to where we are on this discussion about the idea of privatizing Social Security really started last year when President Bush established a 16-member Commission on Social Security. The commission was given the specific task of spelling out how a Social Security privatization plan should be designed and implemented.

In December, the commission put forward three different options for partially privatizing Social Security. It did not, however, accomplish the goals of identifying the design and implementation of privatization. In fact, the commission acknowledged that such a profound change in the Nation's retirement system, commonly referred to as Social Security, would eventually cost at least \$2 trillion, and that is with a T, at least \$2 trillion, though the commission did not suggest how to pay for it.

So I think it is important that we do have an open and honest debate that fully discloses the risks associated with privatization, and develop a true retirement security plan for the American people. The American people deserve a national dialogue outside of the election year antics that will begin in the next few months.

The time for that dialogue to begin is now. The gentleman from California (Mr. MATSUI), the ranking member of the Committee on Ways and Means Subcommittee on Social Security, I think he said it best when he said, "The Enron collapse has made it abundantly clear that defined benefit plans such as Social Security have a fundamental role to play in retirement savings."

□ 2030

In light of Enron, it is especially critical that we discuss openly the risk,

the cost, and benefit cuts inherent in Social Security privatization."

Mr. Speaker, this is a big issue. What the President proposes with his FY03 budget is, for the first time, I believe since 1997, that we go back to the days of deficit spending. The FY03 budget will put us further in debt by \$100 billion; we are already \$5.7 trillion in debt, so I guess that means we will be \$5.8 trillion in debt, on top of the \$1 billion we pay every single day in America, simply paying interest on the national debt; money that could go for education, that could go for highways, that could go for infrastructure that creates economic opportunities for people from all walks of life; money that could go to truly pass my bill, my bipartisan bill that I have filed with the gentlewoman from Missouri (Mrs. EMERSON), that truly creates a Medicare part D.

Mr. PALLONE. Mr. Speaker, I am a cosponsor of that bill.

Mr. ROSS. That is right, and I thank the gentleman from New Jersey for that.

But that is the kind of thing we could be doing with that \$1 billion a day that we are paying interest on the national debt. Believe me, when the President is right, I will stand and say he is. I give him an A-plus for this war on terrorism. We all want to know life in America once again the way we did prior to September 11, and I give him an A-plus on that. I have voted with him in the past 14 months on many other issues, but this is an issue where I think he is wrong. Not only does he propose in the FY03 budget that we go \$100 billion further into debt, he is asking that we raise the debt limit, not by \$100 billion, but by \$750 billion, with every single dime of that coming from where? The Social Security trust fund, with no provision, no plan on how in the world we pay it back or someday our kids or grandkids are forced to pay it back.

Mr. PALLONE. Mr. Speaker, the gentleman raises a number of things I just want to comment on.

First of all, when the gentleman talked about the debt limit, I thought it was very interesting that today pretty much Treasury Secretary O'Neill said that they are not going to bring up a vote on the debt limit because I think that the Republican leadership and the President do not want to show that they have to raise the debt limit; they are sort of hoping somehow it is going to go away, and they were suggesting that they were going to have to tap into Federal retiree funds, retirement funds, in order to postpone raising the debt limit, which is sort of a unique budget trick. But I guess we could go on doing that for a few months, and this way we sort of get away, maybe until after the election, and we get away with sort of showing that we have gone further into debt and we have to raise the debt limit. I do not know what the implications are for Federal retirees, but I am sure they

are not too happy with the idea that their retirement funds are going to be played around with in this way in an effort to try to mask the fact that this debt limit has to be raised because the budget, the President's budget, raises the amount of debt.

The other thing is the gentleman mentioned the commission, the President's Commission on Social Security; and, to his credit, when he was first elected, he set up this commission with the idea that we were going to have this full-fledged debate on the future of Social Security. But all of a sudden, as the commission met, and I guess there was some criticism of having to deal with that issue of Social Security that might be politically unwise, they came up with a myriad of proposals which, although they favor privatization, are not at all clear where they are going.

I think one of the fears that a lot of the Democrats have is that even though we are hearing about debating Social Security and privatizing Social Security, that maybe what the Republican leadership really wants to do is postpone this whole thing until after the election so that they do not have to deal with it now.

I agree that I think that is unfortunate, because this is not going to go away. The actions that the President and the Republican leadership are taking with the budget, with the deficit, with essentially spending Social Security trust funds, are making the situation with Social Security worse. So they cannot keep postponing the inevitable.

The other thing that came up, which I do not know if we are going to get to it or not, but the gentleman certainly heard about it, all of us have, was that the majority leader, the gentleman from Texas (Mr. ARMEY), proposed this idea of this certificate. We were going to vote on a resolution on the floor, which is a little different than a bill, a resolution that would authorize the printing of these certificates that would go out to everybody over 65 telling them that their Social Security benefits would be guaranteed for the rest of their life. Then we found out that it would cost like \$40 million or \$50 million that would come out of the trust fund as well.

So again, I think that there is a lot of politics being played around here. We do not need these certificates. We need to have some action to actually deal with this issue in an effective way, other than just spending more of the trust fund and talking about privatization.

The gentleman raised some of these issues, and I think that we kind of have to keep bringing it up because of our concern over where all of this is going.

Mr. ROSS. Mr. Speaker, I agree with the gentleman. Let me just tell the gentleman that I am new to Washington. I still believe people can run for public office and get involved for the right reasons and really make a difference in people's lives. After 14

months here, I can tell my colleague that I am sick and tired of all the partisan bickering that goes on in our Nation's Capital. It should not be about what makes the Democrats look good or bad, and it should not be about what makes the Republicans look good or bad. It ought to be about doing right by the people who sent us here to represent them.

I can tell the gentleman that America is at war. We are spending \$1 billion a day simply paying interest on the national debt. We owe the Social Security trust fund \$1.2 trillion; and even if it is paid back, it is broke by 2038. There are a lot of critical issues facing this country and its future. My parents left a better country for me than what they found; and I am committed, I am dedicated, I believe it is a duty and an obligation, to ensure that we are able to leave this country just a little bit better off than we found it for our children and for our grandchildren and for the many, many generations to come.

The gentleman mentioned the guarantee certificate. Let me just tell my colleague that unfortunately my colleagues on the other side of the aisle have proposed mailing a bogus Social Security "guarantee" certificate. It is kind of like the President's idea of this so-called discount prescription drug card as a Bandaid approach, at best, to providing our seniors with the Medicare coverage they need when it comes to medicine. When we created Medicare, we did not say, here is a discount card, go to your doctor and cut the best deal you can, or here is a discount card, go to the hospital and cut the best deal you can. We truly provided a form of health care. Today's Medicare was designed for yesterday's medical care, and that is why I feel so strongly about the need to quit talking about modernizing Medicare to include medicine for our seniors and get on with getting it done.

Mr. Speaker, when we take a look at this Social Security guarantee certificate that the Republicans are proposing, it is not worth the paper it is printed on. Recently, the new Social Security Administration's Commissioner, JoAnn Barnhart, questioned the merits of such a guarantee certificate. In a memo to his Republican colleagues, Majority Leader ARMEY said that he is pushing the guarantee certificate as political cover for Republicans as we enter an election year.

Mr. Speaker, saving Social Security should not be about politics. It is much greater than any of us that serve up here. Saving Social Security for our seniors and for many generations to come is much more important than any of us standing for reelection. The American people, our seniors, they do not want a gimmick. They want a Congress that will be responsible, that will stand up, and that will truly protect Social Security. That is the kind of Congress I want to serve in.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments.

I want to conclude this evening, but I just wanted to point out again that that is why so many of us on the Democratic side have been up here over the last couple of weeks, and we are going to continue to do it, because we will have the budget come up next week, and we really do want to have a debate on the substance of Social Security and where we are going with it and not just having this certificate that is going to be out there and giving people this idea that everything is fine, when it is not. So we are going to continue to be here.

I just want to thank my colleague, the gentleman from Arkansas, and point out that as Democrats, we do think this is a very important issue that needs to be openly debated; and we are going to be here every night, if necessary, to make the point over the next few weeks.

ENDANGERED SPECIES ACT CAUSING SEVERE NEGATIVE IMPACTS ON ECONOMY

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I represent a very large rural area in Nebraska. Actually, 97 percent of the district is privately owned. From about this area here on west is the third district, which I represent.

Currently, landowners are very concerned about property rights; and they are especially concerned about the Endangered Species Act, because this can be very intrusive and very threatening to landowners. Among those I represent, three events have contributed to this loss of confidence, and I will mention each one individually.

The first is the Klamath Basin situation that happened in Oregon this past year. As many people understand and realize, Fish and Wildlife shut off the irrigation water that served 1,400 farms in the Klamath Basin. They did so rather abruptly. The crops had already been planted, and this was done to protect the short-nosed sucker which lived in Klamath Lake and which is listed as endangered and also to help the coho salmon population in the river below in Klamath River. So the farmers lost their crops; some lost their farms. Land values declined from \$2,500 per acre to \$35 per acre, and Oregon State University estimates the loss of water cost the economy roughly \$134 million in that area.

So naturally, landowners across the country, landowners in Nebraska were aware of this; and they are concerned about how far-reaching and how invasive the Endangered Species Act can become.

Recently, the National Academy of Science performed an independent review of the Klamath River Basin situation. Listen to what they found: they ruled that there was insufficient data

to justify the decision to shut off the irrigation water. They said that cutting off water was not necessary to save the short-nosed sucker in Klamath Lake. Factors other than low water levels were endangering the sucker, so it was not the low water level at all. Also, actually, they found that larger releases in the Klamath River did not help the coho salmon but actually may have, in some ways, endangered them further.

So the whole situation in Klamath River has been called into serious question, and it would appear that all of the economic and financial damage that was done was all for naught; and in most cases, it would appear that it was something that should not have happened at all.

Secondly, there was a congressional hearing last week that I participated in in the Committee on Resources, and they had members of the Fish and Wildlife Service and the Forest Service; and these officials were asked to testify because seven employees of these agencies and also employees of a Washington State agency falsely planted Canadian lynx hair in Washington and Oregon.

□ 2045

This was an obvious effort to falsify data and to show that the Canadian lynx had an expanded and much larger range than what was believed. This would also have enhanced and enlarged their critical habitat for the Canadian lynx.

According to testimony, others within the government agencies were aware of the planted lynx hair and did not report it. This was a rather bizarre and unusual thing, because we would think that these employees would be in significant difficulty for having falsified the data. In many cases, we would have thought they would have been terminated. But actually, what they received as punishment was a verbal reprimand, verbal counseling, I guess is the way they put it, and most of these employees received their year-end bonuses, so it did not seem that the agency took any significant action. I guess that leaves many of us who are concerned about the Endangered Species Act to have some pause about what has been going on here.

The third instance that I would like to discuss, that I think is particularly important and more relevant to the State of Nebraska, where I live, is that in 1978, 56 miles of the Central Platte River was declared critical habitat for the whooping crane. This area is designated by the red line here that goes from Lexington, Nebraska, down to Grand Island. That is 56 miles. It was assumed that that stretch of river is critical for the survival of the whooping crane.

At one time, there were less than 50 whooping cranes in existence, so it was certainly endangered, no one questions that. Currently, the population of whooping cranes is at 175, but they are still definitely endangered.

In 1994, Fish and Wildlife proposed end-stream flows in the Platte River to preserve the whooping crane. They wanted to manage the amount of water going down the river, which would supposedly enable the whooping crane to have a better chance to survive.

They proposed that 2,400 cubic feet per second for 6 weeks during the spring would go down the river. This is a lot of water to go down the river, and that is water that could be stored here in Lake McConaughy later on for irrigation, but it is water that was used or is proposed to be used strictly for the whooping crane and for their habitat.

The flows in the river are recommended to be 1,200 cubic feet per second in the summer, and then they would, like on wet weather years, occasionally they want "pulse" flows of 12,000 to 16,000 cubic feet per second, and those flows would have to persist for at least 5 days in duration during the months of May and June.

When you have 12,000 or 16,000 cubic feet per second, you are talking about flood or near-flood stages. We have some lowland flooding along the Platte, some crop ground that is certainly damaged; and the big problem is that if we have a rain or extra water coming in here in the South Platte, we have an all-out catastrophe, or at least the potential for it.

So this is where the controversy begins, because obviously the 2,400 cubic feet per second down the river, and that being lost to crops and to uses that municipalities and farmers can use along the river, has not gone down real well. Of course, the "pulse" flows have caused even greater consternation.

One of the things about the "pulse" flows is that they also scour the river bed. They remove sediment and deepen the channel. As far as the cranes are concerned, this is not something that is desirable.

So in order to accomplish these end-stream flows, there was a cooperative agreement that was formed between Colorado and Wyoming and Nebraska, those three States, and, of course, Colorado is here, Wyoming is here, and Nebraska is here, to serve that 56 miles of river.

Now, Nebraska's contribution to the cooperative agreement is 100,000 acre-feet of water stored in Lake McConaughy, this lake right here, and that is roughly one-ninth to one-tenth of the whole capacity of the lake. That lake is to be stored for an environmental account, to be released at any time that it is assumed that the whooping cranes might need that water.

Also, there are no new depletions in this area of the Platte Valley after 1997. What that means is that if you had an irrigation well and you drilled that well in 1998, you had to shut down another well so there was no net depletion of water. Or if you were a municipality and you needed more water from the Platte River, then you had in some

way to mitigate that and to shut down or reduce water use in another area. So since 1997, supposedly there are no new depletions in the river area.

In addition, there were 10,000 acres of critical habitat that was designated and set aside for the whooping crane.

Then this is probably the most bizarre issue of all. In order to replace the sediment that was taken out of the Platte by the "pulse" flows, it was recommended that there be 100 dump trucks of sediment hauled in and dumped in the Platte River every day for as long as possibly 100 years. That was so ludicrous that eventually Fish and Wildlife has backed off of that. Now all they are talking about is bulldozing or moving islands that are located in or near the river into the river, so this idea of replacing sediment has been a major issue.

Wyoming's contribution to the cooperative agreement is 34,000 acre-feet of water from Pathfinder Dam. Colorado's contribution is 10,000 acre-feet of water through the Tamarack plan. So, in total, phase one, the first 10 years, the amount dedicated to providing habitat for the whooping crane is 140,000 acre-feet of water per year. That is a lot of water going down the Platte River that could be used for a lot of different other issues that would certainly have a tremendous impact on the economy. Also, 10,000 acres, as we mentioned, has been set aside for the environmental aspects, and then the sediment replacement that we talked about.

Now, that is just phase 1. Eventually what the plan is, is to have 29,000 acres of habitat set aside and 417,000 acre-feet of water annually going down the river for environmental purposes. Now, that is increasing the 140,000 by roughly threefold, and no one knows quite where we can come up with that amount of water. That is an astronomical amount in the West, which generally tends to be rather dry.

The cost of the cooperative agreement, to date, is \$5.5 million. That is just to begin to formulate the plan. The estimated total cost of the cooperative agreement is \$160 million. That does not say anything about what it costs to move sediment into the river. That does not say anything about what it costs to have the no new depletions allotment, or what the costs to irrigators, farmers, and ranchers along the river would be in terms of lost water. The \$160 million would be just a fraction of the total cost.

So the cooperative agreement has been time-consuming, it has been expensive, it has been burdensome to landowners, and most importantly, and this is the critical issue, the whole cooperative agreement idea seems to be based on a false premise. That premise is that the 56-mile stretch of the Middle Platte is critical for the existence of the whooping crane. In other words, this stretch of river right here is necessary and it has to be managed in the way that the cooperative agreement has specified in order for the whooping crane to survive.

There was a watershed program director who worked for the Whooping Crane Trust, which is an environmental group, it is not a group of farmers or ranchers or anyone who is against wildlife. This person worked for the Whooping Crane Trust. He worked for them for 17 years. He wrote a document filed on March 22 of the year 2000. This letter was sent to Fish and Wildlife.

It reads as follows: "From 1970 through 1998," that is 28 years, "38 percent of the years exhibited no confirmed whooping crane sightings along the Platte River. On average, less than 1 percent of the population of whooping cranes was confirmed in the Platte Valley during that same time frame." This is not just in the river, but in the whole valley.

What he was saying was that 11 out of 29 years, there were no sightings of whooping cranes on the Platte River, and yet we are assuming that this stretch of river right here is critical for their survival. There was an average of between one and two sightings per year over that 29-year period.

Now, obviously, if you have 175 whooping cranes and that is critical habitat, we are going to see more than one or two in a year, and we are not going to go 11 or 12 years without seeing any.

He goes on to say this: "During the 1981-1984 radio tracking study of whooping cranes," and in other words, they put an electronic collar on the cranes, "18 whoopers were tracked on three southbound and two northbound migrations." So this took place over a 2½-year time frame.

He said, "Of those 18 whoopers, none of them used the Platte River." None of those that were tracked electronically were even in the Platte River or in that region. So the author of the report goes on to say this: "I wonder if the Platte River would even be considered if the Fish and Wildlife Service was charged with designating critical habitat today. Whooping crane experts that I have visited with would be hard-pressed to consider the Platte River, given our current state of knowledge, certainly, none would be willing to state on a witness stand that the continued existence of the species would be in jeopardy if the Platte River were to disappear."

So this was his conclusion, and this was the result of years of study. Yet, we have this very elaborate plan that has been concocted in order to preserve that piece of river when apparently it really does not serve the whooping crane to any great degree at all.

Further, and this is important as well, this week Fish and Wildlife is expected to declare 450 miles of the Platte and Loup and Niobrara rivers as critical habitat for the piping plover, so we are switching now from the whooping crane to the piping plover. Now, this is the Niobrara River here, and almost all of that river in its entirety is expected to be declared crit-

ical habitat. This is the north Loup, the middle Loup, and the south Loup. Again, that is going to be designated as critical habitat.

Now, the stretch of the Platte River extends from Cozad, right here, 80 miles to Chapman, right here. So it is approximately the same range as the whooping crane designation, but just a little bit further. So 97 percent of these river designations flow through Nebraska private lands. In other States where the piping plover is going to have critical habitat, such as Minnesota, North Dakota, South Dakota, Montana, roughly 97 to, in some cases, 100 percent of the habitat is strictly on public lands, so Nebraska is really hard hit as far as private lands.

Let us stick with the Middle Platte, because this is the area that has been studied the most. This is the area that we have the most data on. Again, let us refer to the document presented by the watershed program director. This is what he said about critical habitat for the piping plover.

"The Central Platte River does not offer any naturally occurring nesting habitat for these species, as amply demonstrated by the fact that no tern or plover chicks were known to fledge on any natural river sandbar during the entire decade of the 1990s." So what he is saying is that he and his colleagues studied this stretch of river right here, and during the 1990s, they found no reproduction of the piping plover or the least tern, which is also endangered, on that whole stretch of river. Yet, that is going to be designated as critical habitat for those birds.

The problem with this situation is that these birds nest near the water level, so if you have water at this level, the nest is going to be just a few inches above the water. Of course, the letter goes on to say this: "A 50-to-60-day window of flows less than about 1,500 cubic feet per second during late May through mid-July is necessary to allow for nesting and subsequent fledging. This did not happen in the 1990s. Nests and/or young were flooded out."

So during that period of time, 50 to 60 days, the better part of 2 months, in June and July, the water level must stay constant. It must stay very low, because once the birds build their nests, any surge of water is going to wipe out the nest. So during the decade of the 1990s, that is what happened every year. Every time there was any nest that was built, they were wiped out. Yet, this is where the critical habitat is going to be designated.

So flows are regulated from releases from Lake McConaughy. This is the major problem here, too. Here is Lake McConaughy. This is what controls 100,000 acre-feet of water that can be sent down the river at key times.

Now, the problem is that it is 100 miles from Lake McConaughy to Cozad or Lexington. It takes 5 days for the water from Lake McConaughy to reach this area. So if we think we have the

flow controlled, and then all of a sudden you have an inch or 2-inch rain or half-inch, or have a rain in Colorado which comes down the South Platte River, which is not regulated by the dam, all of a sudden you have a surge in the water flow, and for 10 years there was no way to assure that there would be 1,500-acre cubic feet per second or less in the river, and hence, we lost the fledging that was supposed to occur.

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So it is ironic that Fish and Wildlife chose to designate critical habitat in rivers which obviously has not worked and has ignored sand pits and lake shores which do work. Now all along the Platte River there are sand pits and small lakes and the only fledging, the only nesting that has been successful for the piping plover and the lease tern over the past 10 years or even 15 years has been on these sand pits, and yet none of these sand pits were designated as critical habitat by Fish and Wildlife, which is really hard to understand.

Sand pits or dredge islands are the only places where young have fledged in recent years, and so it would seem that attempting to create a river environment which promotes nesting by the piping plover and lease tern may actually harm the species. Again, we refer to the report and the author says this: "This begs the question as to whether it is in the best interests of this species' long-term well-being to attract them to an area where they are likely to be flooded or eaten by predators."

So what he is saying, in some cases, they have taken bulldozers, they have knocked down trees, they have tried to create artificial sand bars which would attract the piping plover and the lease tern to nest in the river; and when they have done that, invariably those nests have been wiped out by high water that comes surging down the river.

So in a sense, it has worked against the species to attract them to nest in an area where nesting is not going to be successful. It would be much better off if they were nesting in sand pits, small lakes where that is not going to happen to them.

It would seem that the critical habitat designation for the whooping crane in the first instance and the piping plover are inaccurate designations. The data simply does not support the designation. Therefore, I have requested the Secretary of the Interior provide an independent peer review through the National Academy of Sciences or some equivalent agency to review the listing of this habitat on the Platte River. I talked to Secretary Norton. I know that she is dedicated to making decisions based on accurate data, and we are very hopeful that her agency will see to it that there is a further independent peer review.

This did happen on the Klamath Basin. Unfortunately, it happened too

late for the farmers. It was done after the fact. In this case we want to have it done before the fact, before the list, before things get out of hand; and we think that is very important.

Mr. Speaker, it is important to those listening that they do not assume that I am against endangered species. Quite often people from agriculture areas are assumed to be automatically against wildlife, against endangered species; and that is absolutely not the case. However, I do oppose the Endangered Species Act as it is now interpreted and administered.

Sometimes the Endangered Species Act may actually harm the species. We have already given an example or two. For instance, the National Academy of Sciences study indicates that higher flows from Klamath Lake actually in some cases harm the coho salmon. My colleagues say how does that occur, and what happened was Klamath Lake is relatively shallow; and so when they kept water in Klamath Lake, instead of running some of that water down irrigation canals, they sent it all down the river. The water was warmer in Klamath River than it was normally because there are springs in the bottom of the river, and so as a result they warmed up the water in Klamath River, which was actually endangering and harming to the coho salmon. So sometimes there are unintended consequences, and sometimes the Endangered Species Act does not work in ways that it was designed to work.

Actually, we have also mentioned that alterations in the Central Platte often entice the nesting of plovers and terns, and we have talked about that, dragging them into sand bars where they get washed out.

Then lastly, let us consider one other instance where the Endangered Species Act probably is not serving a species very well, and that would be the area of prairie dogs.

Fish and Wildlife and others have viewed as a baseline the journals of Lewis and Clark back around 1800 to determine where the natural habitat for prairie dogs was. As many people know, Lewis and Clark went up the Missouri River, went on up into South Dakota, on over here into Montana, and so they journaled and they mentioned wildlife. They mentioned prairie dogs; but as most anyone can see, in the State of Nebraska very little of Nebraska except along the Missouri River was ever covered by Lewis and Clark. So how can we say what the natural range of prairie dogs was when we go back to a document that is more than 200 years old?

Anyway, we are certainly in the middle of a controversy in Nebraska, in Montana and South Dakota, North Dakota, Wyoming, other Western States regarding the prairie dog. The prairie dog right now is considered to be threatened, but it is not listed. What that means essentially is that apparently Fish and Wildlife feels that it is endangered, but they have not gotten

around to listing it; and many of us are hoping that they will reconsider before they do list it.

The thing to remember is that landowners will often tolerate prairie dogs as long as they can be managed. So if someone has got a ranch of 12,000 acres and they know they have got a prairie dog town down in one corner of their ranch and maybe another one up in this corner and they are certainly not out of control and they are not damaging a whole lot of pasture land, they are probably going to live and let live with those prairie dogs. But if on the other hand they realize that Fish and Wildlife is about to list the prairie dog as an endangered species and they can no longer touch those prairie dogs and they know very well that if they start moving and if they expand they can absolutely ruin a pasture, they could ruin half their land, they could ruin it all, and so what are they going to do? Are they going to let those prairie dog colonies survive, or are they going to make sure there are no endangered species on their property when the listing actually occurs?

I would say right now that that is happening to some degree with the prairie dogs. So the Endangered Species Act at this point is probably not serving the prairie dog to any great degree. Matter of fact, it may be harming it.

I think it is important that we understand that landowners are not people who are out to get the species. We have seen three examples of areas where the Endangered Species Act has not served landowners or wildlife well, the Klamath Basin crisis, the Canadian lynx falsified data, and then the critical habitat designation for the whooping crane, the piping plover and the Central Platte of Nebraska.

Generally speaking, the person that is closest to the species is the landowner, and I think that is something that people need to realize. There are a lot of environmental groups around the country, and they are very interested in species; and they care a lot about wildlife, but they are not right there with them every day like the landowner is.

Most landowners that I have known like wildlife. They certainly do not want to harm an endangered species, and so I have seen cases where Fish and Wildlife representatives have worked very well with landowners. I saw one in the central part of Nebraska where this person incorporated 15 or 20 farmers, and together they were able to create wetlands and habitat that was really outstanding for water fowl. So there is a cooperative effort, and usually landowners will respond to that type of approach.

On the other hand, I have seen Fish and Wildlife become rather arbitrary. They have used the Endangered Species Act as a club; and as a result, when forced to choose between a species and one's livelihood, the landowner usually is going to choose his livelihood. So I

think it is important that we understand that the Endangered Species Act in some ways can be an effective tool, but it has got to be used differently. It is not being used very effectively at the present time. I think it needs to be modified. The Endangered Species Act often unnecessarily forces the landowner to make this choice; and when this happens, everyone loses.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today and the balance of the week on account of business in the district.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of Texas primary election.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, March 13.

Mr. OSE, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 8, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3090. To provide tax incentives for economic recovery.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 13, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5840. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 14-297, "Advisory Neighborhood Commissions Boundaries Act of 2002" received March 12, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5841. A letter from the Chairman, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5842. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

5843. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Eastern Gulf of Mexico, Sale 181, scheduled to be held on December 5, 2001, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

5844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Mary's Hospital Heliport, MD [Airspace Docket No. 01-AEA-21FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, Illinois [COTP St Louis-02-003] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD [CGD05-01-071] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Operation Native Atlas 2002, Waters adjacent to Camp Pendleton, California [COTP San Diego 02-001] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 01-012] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Liquefied Natural Gas Tanker Transits and Operations in Cook Inlet, Alaska [COTP Western Alaska 02-004] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Easton Memorial Hospital Heliport, MD [Airspace Docket No. 01-AEA-22FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Com-

mittee on Transportation and Infrastructure.

5851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Hoover Dam, Davis Dam, and Glen Canyon Dam [COTP San Diego 01-021] (RIN: 2115-AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30293; Amdt. No. 2091] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30296; Amdt. No. 2094] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01-AWP-26] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01-AWP-26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Titusville, NASA Shuttle Landing Facility, FL [Airspace Docket No. 01-ASO-12] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Wauchula, FL [Airspace Docket No. 01-ASO-17] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Union, SC [Airspace Docket No. 01-ASO-14] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kenmare, ND [Airspace Docket No. 00-AGL-26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Warren, MN [Airspace Docket No. 00-AGL-27] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Surface Area at

Lompoc, CA [Airspace Docket No. 01-AWP-23] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2146. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; with an amendment (Rept. 107-373). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 366. A resolution providing for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children (Rept. 107-374). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 367. Resolution providing for consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes (Rept. 107-375). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself and Mr. BURTON of Indiana):

H.R. 3924. A bill to authorize telecommuting for Federal contractors; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. BURTON of Indiana):

H.R. 3925. A bill to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes; to the Committee on Government Reform.

By Mr. LAFALCE:

H.R. 3926. A bill to repeal a scheduled increase in the fee charged by the Government National Mortgage Association for guarantee of mortgage-backed securities; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 3927. A bill to amend title 38, United States Code, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer those programs; to the Committee on Veterans' Affairs.

By Mr. HANSEN:

H.R. 3928. A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for

the University of Utah Museum of Natural History, Salt Lake City, Utah; to the Committee on Resources.

By Mr. HALL of Texas (for himself, Mr. SMITH of Texas, Ms. WOOLSEY, Mr. BOEHLERT, Mr. UDALL of Colorado, Mr. BARTLETT of Maryland, Mr. CALVERT, and Mr. SHOWS):

H.R. 3929. A bill to provide for the establishment of a cooperative Federal research, development, and demonstration program to ensure the integrity of pipeline facilities, and for other purposes; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself and Mr. DEFazio):

H.R. 3930. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself and Mrs. ROUKEMA):

H.R. 3931. A bill to amend section 501 of the American Homeownership and Economic Opportunity Act of 2000 to provide for the establishment of the Lands Title Report Commission for Indian trust lands; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself, Mr. ACEVEDO-VILA, Mr. ABERCROMBIE, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. COSTELLO, Mr. DEFazio, Mr. DOYLE, Mr. DEUTSCH, Mr. FARR of California, Mr. FILNER, Mr. GILCHREST, Mr. GILMAN, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. LEE, Mr. LEVIN, Mrs. MALONEY of New York, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. PALLONE, Mr. PASCRELL, Ms. RIVERS, Mr. SHERMAN, Mr. STARK, Mr. TANCREDO, Mr. THOMPSON of California, Mr. TRAFICANT, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 3932. A bill to amend title 18, United States Code, to prohibit certain conduct relating to polar bears; to the Committee on the Judiciary.

By Mr. CARSON of Oklahoma:

H.R. 3933. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLEY of California (for himself, Mr. RADANOVICH, Mr. MATSUI, and Mr. LEWIS of California):

H.R. 3934. A bill to designate a United States courthouse to be constructed in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH:

H.R. 3935. A bill to suspend temporarily the duty on helium; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 3936. A bill to designate and provide for the management of the Shoshone National Recreation Trail, and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H.R. 3937. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 3938. A bill to direct the Secretary of Veterans Affairs to make a grant to the State of Connecticut for alteration of a certain building for support of a State veterans' home and hospital; to the Committee on Veterans' Affairs.

By Ms. KAPTUR:

H.R. 3939. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. MCINTYRE (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3940. A bill to eliminate the Federal quota and price support programs for tobacco, to compensate quota holders and active producers for the loss of tobacco quota asset value, to establish a permanent advisory board to determine and describe the physical characteristics of United States farm-produced tobacco and unmanufactured imported tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California:

H.R. 3941. A bill to direct the Secretary of the Interior to conduct a special resource study to determine whether it is suitable and feasible to include the Port Chicago Naval Magazine National Memorial as a unit of the National Park System; to the Committee on Resources.

By Mr. GEORGE MILLER of California:

H.R. 3942. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Resources.

By Mr. NUSSLE:

H.R. 3943. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain tractors suitable for agricultural use; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 3944. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain tractor parts suitable for agricultural use; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3945. A bill to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building"; to the Committee on Government Reform.

By Mr. SENSENBRENNER:

H.R. 3946. A bill to amend the Clean Air Act to permit the sale in certain States of gasoline from other regions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SESSIONS (for himself, Mr. TOM DAVIS of Virginia, and Mr. BURTON of Indiana):

H.R. 3947. A bill to amend the Federal Property and Administrative Services Act of 1949 to enhance Federal asset management, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. HEFLEY, and Mr. UDALL of New Mexico):

H.R. 3948. A bill to improve implementation of the National Fire Plan on Federal lands managed by the Forest Service and agencies of the Department of the Interior; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 3949. A bill to amend title XIX of the Social Security Act to require health maintenance organizations and other managed care plans providing medical assistance to Medicaid beneficiaries to make payments for assistance provided to such beneficiaries by health centers in Federally-assisted housing for the elderly, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mr. STENHOLM, Mr. BOSWELL, Mr. TAYLOR of Mississippi, Ms. HARMAN, Mr. JOHN, Mr. ROSS, Mr. SANDLIN, Mr. TURNER, Mr. HALL of Texas, Mr. SCHIFF, and Mr. HILL):

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Ms. ROS-LEHTINEN, Mr. CROWLEY, and Mrs. MALONEY of New York):

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress that the Orthodox Theological School of Halki in the Republic of Turkey be reopened in order to promote religious freedom; to the Committee on International Relations.

By Mr. ENGEL:

H. Con. Res. 346. Concurrent resolution supporting the goals and ideals of the National Day of Silence; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 347. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 348. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA:

H. Res. 364. A resolution providing for the concurrence of the House with amendment in the Senate amendments to the bill H.R. 1499; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 365. A resolution providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETERSON of Minnesota introduced a bill (H.R. 3950) for the relief of Anne M. Nagel; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ENGLISH.
 H.R. 25: Mr. ISRAEL.
 H.R. 162: Mr. GORDON.
 H.R. 218: Mr. SULLIVAN and Mr. DICKS.
 H.R. 236: Mr. KELLER.
 H.R. 292: Mr. LIPINSKI, Mr. LYNCH, Mr. LANTOS, Mr. WEXLER, Mr. TOWNS, Mr. FRANK, Mr. FILNER, Mr. PALLONE, Mr. BRADY of Pennsylvania, and Mr. OLVER.
 H.R. 303: Mr. SULLIVAN.
 H.R. 425: Mr. BLAGOJEVICH.
 H.R. 488: Ms. BROWN of Florida and Mrs. TAUSCHER.
 H.R. 507: Mr. BARCIA.
 H.R. 527: Ms. PRYCE of Ohio.
 H.R. 547: Mr. HINCHEY, Mrs. CHRISTENSEN, and Ms. MCKINNEY.
 H.R. 572: Mr. GALLEGLY.
 H.R. 580: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. EVANS, Mr. BRADY of Pennsylvania, and Ms. CARSON of Indiana.
 H.R. 600: Ms. BROWN of Florida.
 H.R. 604: Ms. CARSON of Indiana.
 H.R. 664: Mr. HAYES, Mr. SHADEGG, Mr. GRAHAM, and Ms. ROS-LEHTINEN.
 H.R. 690: Mr. BAIRD.
 H.R. 745: Mr. TIERNEY.
 H.R. 747: Mr. BERMAN.
 H.R. 778: Mr. PRICE of North Carolina.
 H.R. 854: Ms. HARMAN, Mr. KUCINICH, Mr. CLYBURN, and Mr. BROWN of South Carolina.
 H.R. 917: Ms. KAPTUR.
 H.R. 951: Mr. MEEKS of New York, Mr. NETHERCUTT, and Mr. REYNOLDS.
 H.R. 1040: Mr. BARR of Georgia.
 H.R. 1049: Ms. MCKINNEY.
 H.R. 1076: Mr. ACEVEDO-VILA.
 H.R. 1097: Mr. COSTELLO and Mr. GUTIERREZ.
 H.R. 1111: Mr. KIRK, Mr. SHERMAN, Mr. BERRY, Mr. WEXLER, Mr. ROSS, Ms. MCCOLLUM, Ms. NORTON, Mr. FOLEY, and Mr. WU.
 H.R. 1184: Mr. SABO and Ms. ROYBAL-AL-LARD.
 H.R. 1239: Mr. SHIMKUS.
 H.R. 1265: Mr. FRANK, Mr. HALL of Ohio, Mr. NETHERCUTT, Mrs. TAUSCHER, Mr. FARR of California, and Mr. CAPUANO.
 H.R. 1287: Mr. SMITH of Michigan and Mr. RYUN of Kansas.
 H.R. 1306: Mr. OSE.
 H.R. 1307: Mr. GUTIERREZ, Mr. FOLEY, and Ms. MCKINNEY.
 H.R. 1354: Mr. WU, Ms. KILPATRICK, and Mr. MARKEY.
 H.R. 1371: Mr. RUSH.
 H.R. 1462: Mr. PALLONE and Ms. MCCOLLUM.
 H.R. 1475: Ms. DEGETTE.
 H.R. 1488: Mr. PASCRELL.
 H.R. 1556: Mr. SMITH of Washington, Mr. SNYDER, and Mr. CLYBURN.
 H.R. 1609: Mr. BROWN of South Carolina, Mr. ALLEN, Mr. NETHERCUTT, and Mr. SIMMONS.
 H.R. 1624: Mr. ENGLISH, Mr. LEWIS of Georgia, Mr. JOHN, and Mrs. THURMAN.
 H.R. 1626: Mr. CLEMENT.
 H.R. 1731: Mr. FORBES, Mr. WALSH, and Mr. DUNCAN.
 H.R. 1754: Mr. GREEN of Wisconsin.
 H.R. 1795: Mr. SHAW and Mr. CAMP.
 H.R. 1837: Mr. FALCOMA-VAEGA.

H.R. 1859: Mr. WYNN and Ms. KAPTUR.
 H.R. 1904: Mr. UNDERWOOD, Mr. MURTHA, Mr. GEORGE MILLER of California, and Mr. COYNE.
 H.R. 1911: Mr. HEFLEY, Mr. ISRAEL, Mr. FILNER, Mr. KENNEDY of Minnesota, Mr. NETHERCUTT, and Mr. FOLEY.
 H.R. 1961: Mr. PASCRELL.
 H.R. 1979: Mr. ROSS and Mr. BOOZMAN.
 H.R. 1987: Mrs. THURMAN.
 H.R. 2014: Mr. ISSA and Mr. PETRI.
 H.R. 2036: Mr. MATHESON, Mr. DEAL of Georgia, Mr. KIRK, Ms. WOOLSEY, Mr. GORDON, and Mr. ROSS.
 H.R. 2073: Mr. HOEFFEL.
 H.R. 2118: Mr. LANGEVIN.
 H.R. 2125: Mr. BACA, Ms. BROWN of Florida, Mr. JOHN, Ms. SANCHEZ, Mr. STRICKLAND, Ms. HOOLEY of Oregon, Mr. NORWOOD, and Mr. JEFF MILLER of Florida.
 H.R. 2146: Mr. LUCAS of Kentucky and Mr. GRUCCI.
 H.R. 2162: Mr. FROST.
 H.R. 2219: Mr. NETHERCUTT, Mr. SHIMKUS, Mr. LATOURETTE, and Mr. TANCREDO.
 H.R. 2220: Mr. MCHUGH.
 H.R. 2237: Mr. BONIOR.
 H.R. 2250: Mr. BARTLETT of Maryland.
 H.R. 2254: Ms. BALDWIN, Mr. DAVIS of Illinois, and Mr. COSTELLO.
 H.R. 2290: Mr. STUPAK, Ms. DUNN, Mrs. THURMAN, and Mr. PASTOR.
 H.R. 2323: Mr. MANZULLO.
 H.R. 2332: Mr. FOLEY.
 H.R. 2335: Mr. SCHAFFER and Mr. FALCOMA-VAEGA.
 H.R. 2349: Mr. GREENWOOD, Mr. GREEN of Texas, and Mr. PASTOR.
 H.R. 2357: Mr. BONILLA.
 H.R. 2426: Mr. SNYDER and Mr. ROSS.
 H.R. 2435: Mr. WATTS of Oklahoma.
 H.R. 2476: Ms. WATERS.
 H.R. 2531: Mr. BONIOR.
 H.R. 2573: Ms. SCHAKOWSKY and Mr. SHAYS.
 H.R. 2638: Mr. REYES, Mr. CLEMENT, Mr. GRAHAM, Mr. SAXTON, Mr. PLATTS, Mr. WEXLER, and Mr. FOLEY.
 H.R. 2649: Mr. HUNTER, Mr. KILDEE, Mr. FOLEY, Mr. SHIMKUS, Mr. HASTINGS of Washington, Mr. STUMP, Mr. MCKEON, Mr. SESSIONS, Mr. GRAVES, Mr. CAMP, Mr. ROSS, Mr. MCCREY, and Mr. PASTOR.
 H.R. 2663: Mr. BURR of North Carolina and Mr. TOWNS.
 H.R. 2695: Mr. SESSIONS, Ms. ESHOO, and Mr. ACEVEDO-VILA.
 H.R. 2764: Mr. POMBO and Mr. MCKEON.
 H.R. 2874: Ms. BROWN of Florida and Mr. KUCINICH.
 H.R. 2908: Mr. CLEMENT.
 H.R. 2953: Mr. RAMSTAD, Mr. McDERMOTT, and Ms. DUNN.
 H.R. 3032: Mr. HINCHEY.
 H.R. 3068: Mr. JONES of North Carolina.
 H.R. 3105: Mr. KENNEDY of Minnesota.
 H.R. 3109: Mr. PASCRELL and Mr. PETERSON of Minnesota.
 H.R. 3114: Mrs. CHRISTENSEN.
 H.R. 3177: Mr. KENNEDY of Minnesota.
 H.R. 3231: Mr. SHIMKUS and Mr. SKEEN.
 H.R. 3236: Mr. TOWNS and Mr. HINCHEY.
 H.R. 3238: Mr. MASCARA, Mrs. MORELLA, Mr. LYNCH, and Mr. SANDERS.
 H.R. 3244: Mr. UNDERWOOD, Mr. STRICKLAND, Mr. LYNCH, Mr. MARKEY, Mrs. MEEK of Florida, Mr. DELAHUNT, Mr. OLVER, Mr. GUTIERREZ, Mr. WEXLER, Mr. WHITFIELD, Mr. ALLEN, Mr. HALL of Ohio, and Mr. RAHALL.
 H.R. 3267: Mr. HINCHEY.
 H.R. 3279: Mr. CROWLEY.
 H.R. 3292: Mr. GRUCCI, Mr. CAMP, and Ms. MCCARTHY, of Missouri.
 H.R. 3321: Mr. GIBBONS, Mr. HAYES, Mr. SESSIONS, and Mr. LUCAS of Kentucky.
 H.R. 3324: Ms. HARMAN and Mr. BACA.
 H.R. 3332: Mr. CASTLE, Mr. LANTOS, Mr. MCHUGH, Mr. ISAKSON, Mr. CAMP, Mr. MCINTYRE, Mr. PICKERING, Mr. ANDREWS, Mr.

OXLEY, Mr. KIRK, Ms. LEE, Mr. CROWLEY, Mr. WELDON of Pennsylvania, Mr. LAFALCE, Mr. BLUMENAUER, Mr. PRICE of North Carolina, Mrs. MALONEY of New York, and Mr. HULSHOF.

H.R. 3337: Mr. UNDERWOOD, Mr. PRICE of North Carolina, Mr. HALL of Ohio, and Mr. SPRATT.

H.R. 3340: Mr. DAVIS of Illinois, Mr. TANCREDO, Mr. KUCINICH, and Ms. CARSON of Indiana.

H.R. 3351: Mr. TAYLOR of Mississippi, Ms. MCKINNEY, Mr. SKELTON, Mr. FOSSELLA, Mr. WU, Mr. GRUCCI, and Mr. FLAKE.

H.R. 3354: Mr. DAVIS of Illinois and Mr. TANCREDO.

H.R. 3368: Mrs. MINK of Hawaii.

H.R. 3369: Mrs. MINK of Hawaii.

H.R. 3382: Mr. FILNER.

H.R. 3399: Mr. OSE.

H.R. 3424: Mr. McNULTY, Mr. HASTINGS of Florida, Ms. HOOLEY of Oregon, and Mr. GILMAN.

H.R. 3443: Mr. SPRATT, Mr. BARTLETT of Maryland, Mr. LYNCH, and Mr. SCHIFF.

H.R. 3450: Mr. ALLEN, Mr. DELAHUNT, Mr. CLAY, Mr. EVANS, and Ms. VELAZQUEZ.

H.R. 3464: Mr. McDERMOTT and Mr. MORAN of Virginia.

H.R. 3482: Mr. CALVERT, Mr. COMBEST, Mr. GEKAS, and Ms. JACKSON-LEE of Texas.

H.R. 3497: Mr. SMITH of Michigan.

H.R. 3505: Mrs. TAUSCHER.

H.R. 3522: Mr. SMITH of Texas.

H.R. 3524: Mr. GONZALEZ, Ms. CARSON of Indiana, and Mr. BOUCHER.

H.R. 3561: Ms. HART.

H.R. 3562: Mr. FROST.

H.R. 3569: Mr. GANSKE and Mr. STUPAK.

H.R. 3605: Ms. HART.

H.R. 3617: Mr. FARR of California and Mr. DINGELL.

H.R. 3618: Mr. EVERETT, Mr. CHAMBLISS, and Mr. WATT of North Carolina.

H.R. 3626: Mr. LOBIONDO and Mr. LATOURETTE.

H.R. 3628: Mr. FROST, Mr. McNULTY, Mr. MCGOVERN, Mrs. CLAYTON, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. RUSH, Mr. TOWNS, Mr. OWENS, Ms. KILPATRICK, Mr. FATTAH, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Mr. LYNCH, Ms. WATSON, and Mr. CLYBURN.

H.R. 3634: Mr. CLYBURN, Mr. JACKSON of Illinois, Mr. OWENS, and Mr. PASCRELL.

H.R. 3661: Mrs. BIGGERT, Ms. PRYCE of Ohio, Mr. EHLERS, Mr. TIBERI, and Mr. ABERCROMBIE.

H.R. 3669: Mr. KENNEDY of Minnesota, Mrs. ROUKEMA, Mr. NUSSLE, Mr. WELDON of Florida, and Mr. WALSH.

H.R. 3677: Mr. DUNCAN.

H.R. 3687: Mr. DAVIS of Illinois.

H.R. 3694: Mr. DOOLITTLE, Mr. HALL of Ohio, Mr. SOUDER, Mr. BOUCHER, Ms. ROSLEHTINEN, Mr. CALLAHAN, Mr. HALL of Texas, and Mr. JEFFERSON.

H.R. 3710: Mr. BONIOR.

H.R. 3713: Mr. NEY, Mr. RANGEL, and Mr. MCINTYRE.

H.R. 3717: Mr. BEREUTER, Mr. KINGSTON, Mr. MICA, Mr. NETHERCUTT, Mrs. JONES of Ohio, Mr. HEFLEY, and Mr. MCINNIS.

H.R. 3733: Mr. ABERCROMBIE.

H.R. 3763: Mr. SHAYS, Mr. GRUCCI, and Mr. KING.

H.R. 3764: Mr. SHAYS.

H.R. 3765: Mr. WAXMAN.

H.R. 3781: Mr. SMITH of New Jersey, Mr. LATOURETTE, Mr. VITTER, Mr. SMITH of Washington, Mr. ROTHMAN, and Mr. LYNCH.

H.R. 3792: Mr. WEXLER, Mr. WELLER, Mr. CLEMENT, Mr. KIRK, and Mr. HORN.

H.R. 3794: Mr. KUCINICH, Mr. KILDEE, and Mr. HOLT.

H.R. 3802: Mr. POMBO.

H.R. 3808: Mr. PETERSON of Minnesota and Mr. CALVERT.

H.R. 3814: Mrs. MALONEY of New York, Mr. WAXMAN, Mr. FROST, and Mr. GUTIERREZ.

H.R. 3831: Mr. FERGUSON and Mr. FILNER.

H.R. 3833: Mr. WALSH, Mr. OSBORNE, and Mr. SCHIFF.

H.R. 3834: Mr. MCGOVERN, Mr. WAXMAN, Mr. FARR of California, Mr. SERRANO, Mr. FOLEY, Ms. MCKINNEY, Mr. KLECZKA, and Mr. SMITH of New Jersey.

H.R. 3847: Mr. PALLONE, Mr. SAXTON, Mr. ROTHMAN, Mr. FERGUSON, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. HOLT, Mr. PASCRELL, and Mrs. ROUKEMA.

H.R. 3857: Mrs. JOHNSON of Connecticut.

H.R. 3889: Mr. PHELPS, Mr. HINCHEY, Mr. HAYES, Mr. PAUL, Mr. McHUGH, and Mr. DAVIS of Illinois.

H.R. 3893: Mr. KUCINICH.

H.R. 3894: Mr. PAYNE.

H.R. 3900: Mr. LATHAM, Mr. KELLER, Mr. BROWN of Ohio, and Mrs. NORTHUP.

H.R. 3916: Mr. DINGELL, Mr. KIRK, and Mr. BROWN of Ohio.

H.R. 3919: Ms. PRYCE of Ohio.

H. Con. Res. 42: Mr. WAXMAN, Mr. FARR of California, Ms. ROS-LEHTINEN, and Mr. HOEFFEL.

H.R. Con. Res. 99: Ms. WATERS, Mr. GUTIERREZ, Ms. KAPTUR, and Ms. VELAZQUEZ.

H. Con. Res. 164: Ms. PRYCE of Ohio.

H. Con. Res. 188: Mr. INSLEE.

H. Con. Res. 238: Mr. DOYLE.

H. Con. Res. 315: Mr. PENCE and Mr. ISTOOK.

H. Con. Res. 317: Mr. BACA.

H. Con. Res. 328: Mr. McDERMOTT.

H. Res. 128: Mr. MALONEY of Connecticut.

H. Res. 300: Mr. BLAGOJEVICH.

H. Res. 348: Mr. TANCREDO and Mr. SMITH of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3215: Mr. GIBBONS.



United States
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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, TUESDAY, MARCH 12, 2002

No. 27

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

The PRESIDING OFFICER. Rabbi Abraham Shemtov, National Director of American Friends of Lubavitch, will lead us in prayer this morning.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, our Father in heaven, grace this august body of the U.S. Senate with wisdom, strength, vision, and clear focus as they seek to lead this Nation, and as this Nation leads the world in the struggle of freedom against tyranny and of good over evil.

As the world marks the 100th anniversary since the birth of Lubavitcher Rebbe, Rebbe Menachem Mendel Schneerson, of blessed memory, we must heed his teachings that unity is so much stronger than division, goodness is so much better than evil. His message to people of various origins and persuasions was that we must always be on the same side, for we are all children of the same God.

We must find the inherent goodness in each other and encourage one another to fulfill our charge from the Almighty God to perfect the world under His sovereignty. In this way we can bring light in place of darkness, redemption in place of despair, and happiness and peace to all who seek it.

So as we may have opinions which differ, let us not waver. Let us be strong, and with God's blessings, we will prevail. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 12, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the vote on the confirmation of Executive Calendar No. 706 occur at 11 o'clock this morning, that the additional time be divided as previously provided, and that the remaining provisions of the previous order remain in effect, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, we will shortly conclude the debate on the confirmation. The two Senators from Alaska are going to speak about the new judge they are going to get in Alaska.

I also note that we are moving along with the energy bill. We have some important amendments pending. We have a number of important issues. There is now talk of being able to complete this bill by a week from this Friday.

As everyone knows, the important issues that remain—there are a lot of important issues, but the matters that appear to be quite contentious are those dealing with CAFE standards, ANWR drilling, and electricity regulation. So it appears that there is light at the end of the tunnel and that we can finish this legislation. We certainly hope so. But Members are going to have to be willing to come and offer amendments, and Members are going to have to be ready to vote at all times of the day and night.

EXECUTIVE SESSION

NOMINATION OF RALPH R. BEISTLINE, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 706, which the clerk will report.

The assistant legislative clerk read the nomination of Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, we are going to be voting in a few minutes on Judge Ralph Beistline to be United States District Judge in my State of Alaska.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S1737

Senator STEVENS, Representative YOUNG, and I are very pleased that this vote is about to take place. Before we vote, I would like to speak very briefly on the qualifications of Judge Beistline.

First of all, I thank all my colleagues for moving expeditiously because in spite of the prevailing attitude in Alaska that it has taken too long to confirm him, by standards around here it has moved along quite nicely. So I very much appreciate that.

No one would question Judge Beistline's qualifications or his fitness to serve on the Federal bench. He has served with distinction in our State of Alaska for many years. He has always been an asset to his community. He and Mrs. Beistline have had a commitment to furthering the quality of life for Alaskans, which is exemplified by their commitment to public service.

Judge Beistline is truly an Alaskan. He was born in Fairbanks, AK. That happens to be my hometown. He is a graduate of the University of Alaska, Fairbanks, and the University of Puget Sound Law School. His heart has always been in the golden heart city of Fairbanks.

Judge Beistline served honorably in the Army National Guard, the Army Reserves, and the Air National Guard for over 17 years. He was in private practice in Fairbanks, AK. During this time, Judge Beistline distinguished himself as a hard-working, fair, honest, and very popular lawyer—if, indeed, that is the correct terminology for lawyers. Nevertheless, he is very well respected. And I am always reminded—well, it is inappropriate to reflect on lawyer jokes, so I will restrain myself, with some reluctance.

Judge Beistline is a strong advocate for the rights of his clients. He has always maintained respect for the courts and the legal system, and that respect is matched by the manner in which his peers admire and support him.

Since 1992, Ralph Beistline has served as Superior Court Judge for the State of Alaska. Through his public service, Judge Beistline has demonstrated the requisite legal temperament and the traits that will make him clearly a distinguished Federal judge.

Obviously, he is committed to upholding the law, even if he may disagree from time to time with it. Judge Beistline exhibits and demands fairness, respect, and diligence from all of those who practice in his court. Most importantly, the judge has ensured that justice is delivered fairly, responsibly, and in a timely manner. I would like to amplify that note—in a timely manner. Oftentimes, there is a great deal of frustration for those of us who believe that justice is not done in a timely manner.

He is a longstanding and distinguished member of the Fairbanks community, the Fairbanks Bar, and the Alaskan Bar. Judge Beistline has earned the respect of his colleagues. He has also earned the respect of our en-

tire delegation—Senator STEVENS, Representative YOUNG, and myself. We enthusiastically support his nomination and look forward to voting on his nomination today.

I thank the Presiding Officer for her attention.

Mr. STEVENS. Madam President, Ralph Beistline is a lifelong Alaskan, born in Fairbanks. He grew up in Alaska and will bring that important perspective to the bench.

He served as a superior court judge from 1992 until today and for the past 5 years he has been the presiding judge in the Fairbanks Superior Court.

He is married to Peggy Beistline and has five children: Carrie, Daniel, Tamara, Rebecca, and David.

He is the former president of the Alaska Bar Association, former president of the Tanana Valley Bar Association, former president of the Alaska Conference of Judges, and a former member of the board of governors of the Alaska Bar Association. He has been a lawyer representative to the Ninth Circuit Judicial Conference and was a long time pro-bono participant.

Ralph is also an executive board member of the Boy Scouts of America and a member of Igloo #4 Pioneers of Alaska.

Hailing from Fairbanks, Ralph will also bring further geographical balance to the court.

I thank Chairman LEAHY and Senator HATCH for moving his nomination to the floor.

Mr. LEAHY. Madam President, today, the Senate is voting on the 40th judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Democrats became the majority party in the Senate. With the confirmation of Ralph Beistline of Alaska, we will have confirmed more judges in the last 9 months than were confirmed in 4 out of 6 years under Republican leadership.

The number of judicial confirmations over these past nine months—40—now exceeds the number of judicial nominees confirmed during all 12 months of 2000, 1999, 1997 and 1996. Thus, during the last 9 tumultuous months we have exceeded the one-year totals for 4 of the 6 years in which a Republican majority last controlled the pace of confirmations.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. The larger number, the total judges confirmed during President Clinton's two terms includes 2 years in which a Democratic majority proceeded to confirm 129 additional judges in 1993 and 1994. During the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year—a pace of consideration and confirmation that has already been exceeded under Democratic leadership over these past nine months.

During the recent Republican control of the Senate 46 nominees to the

Courts of Appeal were confirmed, a rate of approximately seven per year on average, including one whole session, 1996, in which no circuit court judges were confirmed at all. In only nine months of Democratic control of the Senate, seven of President Bush's nominees to the Courts of Appeals have been confirmed. Two additional circuit court nominees have had hearings and the hearing scheduled for next week will include another circuit court nominee.

Under Democratic leadership we have had more hearings, for more nominees, and had more confirmations than the Republican leadership did for President Clinton's nominees during the first 9 months of 1995. In each area—hearings, number of nominees given hearings, and number of nominees confirmed—this Committee has exceeded the comparable period when Republicans were in power. And 1995 was one of the most productive years. It was 1996 and after that the Republican majority began stalling the judicial confirmation process and the session in which only 17 judges were confirmed all year with none to the Courts of Appeals.

Additionally, under Democratic leadership, we have reformed the process and practices used in the past to deny Committee consideration of judicial nominees. The fact that 248 judicial nominees were confirmed in the prior 6½ years of Republican leadership does not diminish the fact that almost 60 other judicial nominees never received a hearing by the Senate Judiciary Committee or received a hearing but were never voted on by the Committee.

The Majority Leader, Senator DASCHLE, the Assistant Majority Leader, Senator REID, and the members of the Judiciary Committee have worked hard to return the Senate's consideration of judicial nominations to a more orderly and open process. We have been working hard to move away from the anonymous holds and inaction on judicial nominations that characterized so much of the period from 1995 through 2000.

Today's vote to confirm the 40th judicial nominee since the reorganization of the Committee last July demonstrates that we have made a positive difference in the confirmation process by improving the pace and fairness of consideration of nominees for lifetime appointment to the federal courts. Not only has the Senate been able to confirm more judges in a shorter time frame than were confirmed in 4 of the past 6 years, but we have also done so at a faster pace than in any of the recent 6½ years in which Republicans were most recently in the majority.

I make these observations to set the record straight. I do not mean by my comments to be critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years

for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

With the confirmation of Ralph Robert Beistline, there will be no active vacancies on the Alaska District Court. We have moved expeditiously to consider and confirm Judge Beistline. He was nominated in November, received his ABA peer review in January, participated in a hearing in February, was reported favorably by the Committee last week, and is today being confirmed.

Judge Beistline has an extensive career litigating civil cases in state and Federal courts, providing pro bono services in civil matters, including social security appeals. I congratulate the nominee and his family on his confirmation today.

This nominee has the support of both Senators from his home state and appears to be the type of qualified, consensus nominee that the Senate has been confirming to help fill the vacancies on our Federal courts.

The ACTING PRESIDENT pro tempore. Who yields time? If no one yields time, time will be charged equally to both sides.

Mr. MURKOWSKI. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ENZI are located in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, parliamentary inquiry: Are we on the Beistline nominee?

The ACTING PRESIDENT pro tempore. We are. Under the previous order, the time was reserved, but all time remaining is under the control of Senator LEAHY and those who have been scheduled.

Mr. HATCH. Since they are not here, I ask unanimous consent that I might be able to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. The vote is at 11, is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HATCH. Madam President, I rise to support the confirmation of Ralph

R. Beistline to be U.S. District Judge for the District of Alaska.

I have had the pleasure of reviewing Judge Beistline's distinguished legal career, and I have come to the opinion that he is a fine jurist who will add a great deal to the Federal bench in Alaska.

Judge Beistline began his legal career as the first law clerk for the Superior Court in Fairbanks, where he not only completed legal research and wrote opinions for three judges, but also held hearings in probate and uncontested divorce cases. Following his clerkship, he maintained a litigation practice for 17 years. He left the practice of law to become a State trial court judge, and he has earned a stellar reputation for fairness and hard work among lawyers and judges in his community.

I have every confidence that Judge Beistline will serve with distinction on the Federal district court for the district of Alaska.

We are in the middle of a circuit court vacancy crisis, and the Senate is doing nothing whatsoever to address it.

There were 31 vacancies in the Federal courts of appeals when President Bush sent us his first 11 circuit nominees on May 9, 2001, and there are 31 today. We are making no progress.

Eight of President Bush's first 11 nominees have not even been scheduled for hearings, despite having been pending for 307 days as of today. All of these nominees received qualified or well-qualified ratings from the American Bar Association.

A total of 22 circuit nominations are now pending for those 31 vacancies.

But we have confirmed only 1 circuit judge this year, and only 7 since President Bush took office.

The sixth circuit is half-staffed, with 8 of its 16 seats vacant. This crisis exists today despite the fact that we have 7 Sixth Circuit nominees pending motionless before the Judiciary Committee right now. Although the Michigan senators are blocking 3 of those nominees by not returning blue slips, the other 4 are completely ready to go, all have complete paperwork, good ratings by the ABA, and most importantly, the support of both home State senators.

The D.C. Circuit is two-thirds staffed, with 4 of its 12 seats sitting vacant. This is despite the fact that President Bush nominated Miguel Estrada and John Roberts, who have not yet been given a hearing and whose nominations have not seen the light of day since they were nominated 307 days ago.

There is simply no explanation for this situation other than stall tactics.

The Senate Democrats are trying to create an illusion of movement by creating great media attention concerning a small handful of nominees in order to make it look like progress.

Some try to blame the Republicans for the circuit court vacancy crisis, but that is complete bunk. Just look at the record:

Some have suggested that 45 percent of President Clinton's circuit court nominees were not confirmed during his presidency. That number is a bit of an Enron-ization. It is inflated by double counting individuals that were nominated more than once. For example, by their numbers, Marsha Berzon—who was nominated in the 105th Congress, but not confirmed until the 106th—would count as two nominations and only one confirmation. If you remove the double counting and count by individuals, only 23 were not confirmed—that's 27 percent, as opposed to 45 percent.

And of those 23 nominees who did not move, 4 were withdrawn, 8 lacked home State support, 1 had incomplete paperwork and another was nominated after the August recess in 2000. That leaves 9 circuit court nominees that did not receive action some of which had issues that I cannot discuss publicly.

Now, as I said, there are currently 31 circuit court vacancies.

During President Clinton's first term, circuit court vacancies never exceeded 21 at the end of any year.

There were only 2 circuit court nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit court nominees were pending in committee at the end of last year.

At the end of President Clinton's second year in office, the Senate had confirmed 19 circuit judges and there were only 15 circuit court vacancies.

In contrast, today in President Bush's second year, the Senate has confirmed 1 and there are 22 pending.

At the end of 1995, my first year as chairman, there were only 13 circuit vacancies left at the end of the year.

At the end of 1996, the end of President Clinton's first term and in a Presidential election year, there were 21 vacancies—only 1 higher than the number the Democrats left at the end of 1993 when they controlled the Senate and Clinton was President.

Taking numbers by the end of each Congress, a Republican controlled Senate has never left as many circuit vacancies as currently exist today. At the end of the 104th Congress, the number was 18, at the end of the 105th Congress, that number was 14, and even at the end of the 106th Congress, a Presidential election year, that number was only 25. Today there are 31 vacancies in the circuit courts.

Despite all the talk—and lack of action—the unmistakable fact is that there is a circuit court vacancy crisis of 31 vacancies, which is far higher than the Republicans ever let it reach, and the current Senate leadership is doing nothing about it. Actually, I should correct myself, they are doing something about it: They are making it grow even larger. They have acted with a deliberate lack of speed, and that is something the American people do not deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. All time having expired, the question is, Will the Senate advise and consent to the nomination of Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—98

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carnahan	Hollings	Sessions
Carper	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Thomas
Corzine	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Domenici	Lincoln	

NOT VOTING—2

Santorum Specter

The nomination was confirmed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I have spoken to the two managers of this legislation. What we are going to do now, if the unanimous consent request is approved, is go to morning business until 12:30.

The amendment offered by the Senator from California, Mrs. FEINSTEIN, is an extremely important amendment dealing with derivatives, among other things. The way the legislation is now written, it appears Senator GRAMM of Texas opposes this legislation. He and the Senator from California are now in deliberations. The arrangement has been made that they are going to report back at 2:15 today after the party conferences are completed. If there is some hope that further discussion between them will bear some fruit, then we will go further; otherwise, we are going to complete that matter today. Senator GRAMM said he wants to speak on it for a while. He may have a second-degree amendment.

I say to all Members, we need to move forward. As I indicated on behalf of the majority leader today, we have light at the end of the tunnel. The minority leader has indicated he thinks we can finish this bill by a week from this Friday. We agree that is certainly the way it should be.

We have some important matters to consider. We have to do something with ANWR, we have to do something with CAFE standards, and electricity. We hope those three very difficult, contentious issues can be disposed of. And we would indicate we are going to finish derivatives before we move to something else, unless there is some agreement between the two Senators. We cannot keep bouncing around this legislation.

MORNING BUSINESS

Mr. REID. So, Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period of 10 minutes each, until 12:30 p.m., when, under the previous order, we will recess for the weekly party conferences.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

THE ENERGY BILL

Mr. MURKOWSKI. Mr. President, I concur with the statement of the majority whip. I look forward to, hopefully, moving with some dispatch on the energy bill. There are probably a few more contentious issues, as you know: Electricity, certainly ANWR, CAFE, renewables. So we have our work cut out for us. I encourage Mem-

bers to try to recognize that it is very important we have an energy bill and we get it in conference.

I communicate to the majority whip, perhaps he can enlighten us at a later time if indeed campaign finance reform is going to come into play and delay us. Perhaps he can do that at such time as he is able to give us some idea when that might occur. I assume that would not necessarily take us off the bill.

Mr. REID. If the Senator will yield, Senator DASCHLE and Senator LOTT met today with some of us, and it is believed that the campaign finance matter can be resolved in as little as 3 hours, to complete everything within that period of time, and send it to the House. That certainly isn't done yet. Senator DASCHLE has asked for an agreement to be entered in the RECORD tomorrow in that regard. If that were the case, it would temporarily slow down this bill, but that is all.

Mr. MURKOWSKI. I appreciate that. I must say, I am pleased with the optimism shown by the majority whip. Perhaps to finish in 3 hours would be a record. Let's work towards it.

Mr. President, I am going to speak in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska.

IRAQ

Mr. MURKOWSKI. Mr. President, yesterday our President, President George W. Bush, marked the 6-month anniversary of the terrorist attacks. I think we would all agree he used some very strong words for our adversaries.

I quote President Bush:

Every nation in our coalition must take seriously the growing threat of terror on a catastrophic scale—terror armed with biological, chemical or nuclear weapons.

That was his comment yesterday.

Further, he stated:

Some states that sponsor terror are seeking or already possess weapons of mass destruction. Terrorist groups are hungry for these weapons and would use them without a hint of conscience.

Further quoting him:

In preventing the spread of weapons of mass destruction, there is no margin for error and no chance to learn from mistakes.

Further quoting him:

Our coalition must act deliberately, but inaction is not an option.

I would refer to that again: "inaction is not an option."

He added:

Men with no respect for life must never be allowed to control the ultimate instruments of death.

The President did not name names, but it is becoming increasingly clear that when we talk about targeting terror, we are talking about targeting Saddam Hussein's Iraq.

We know he has chemical weapons because we have watched him use them on his own people. We know Saddam wants nuclear weapons because his chief bomb maker defected to the West

with a wealth of information on their program. We know, very well, he has a missile capability because he fired dozens of missiles on Israel during the gulf war.

So what has he been up to? We cannot say for sure because we have not had a U.N. inspector there since December of 1998. So he has had 1999, 2000, 2001—clearly over 3½ years to continue his development of weapons of mass destruction. We know that for a fact. We just do not know what they are, and we do not know what he is going to do with them. One can only imagine what he has been able to accomplish during that timeframe.

Some of you may have seen the special on CNN the other day where they identified clearly the threat of Iraq, and a historical review from the time of the Persian Gulf war: His experimentation of using chemical weapons on his own people; his arsenal, a portion of which was destroyed at that time under the U.N. auspices. Since that time we have just observed him as he continues to rule as a dictator, as one who obviously has seen fit to go to extraordinary means to ensure his own safety, by simply wiping out those critics of his regime.

I am not going to try to typify this individual. I have met him. I have been in Baghdad. As a matter of fact, I think I am the only Senator who is still in the Senate who met with Saddam Hussein prior to the Persian Gulf war. The Senator from Idaho, Mr. McClure, was with us. Senator Dole was with us. Also, Senator Simpson from Wyoming was with us. The Senator from Ohio, Howard Metzenbaum, was with us.

It was a very interesting opportunity. We had been in Egypt and were advised we should go over to visit Saddam Hussein in Iraq. We did go over there. We were met by our Ambassador, April Gillespie. We were supposed to meet Saddam Hussein at the airport in Baghdad. She said that she was sorry, that Saddam Hussein changed the itinerary. He was not there. We were supposed to go up to Mosul.

So the Foreign Minister, Tariq Aziz, who is still there, said that Saddam had sent his airplane down to take us up to Mosul. We were somewhat reluctant to get in Saddam's airplane, as you might imagine. We said: We will take our own airplane. We had an Air Force aircraft. There was some discussion. Then they came back and said: No, the runway was under repair. Our plane was too big; they would not be able to accommodate our airplane. Then Foreign Minister Tariq Aziz said: I am going with you. That made us somewhat more at ease. Somewhat reluctantly, we did climb into the airplane and fly up to Mosul.

It was ironic because, when we landed, they said: we won't have to take you back because we have finished repairing the runway and your airplane can come and get you. We knew we were set up to make a story.

We did go into a hotel and Saddam Hussein met us and was supposedly going to host lunch. We had a long discussion about human rights activities. We talked about the cannons that had been found on the docks in London. We discussed the triggering devices. And he had an answer for everything. He would throw out a booklet designed by the Baghdad Institute of Technology. At one point he got rather belligerent and suggested we had no business in his country talking to him about the attitude of the people of Iraq.

He asked us to go out on the balcony. And he said: There are five of you, five helicopters. You can go anywhere in Iraq you want and ask what the people really think of Saddam Hussein. Howard Metzenbaum declined the invitation for reasons of security, to put it mildly. So did the rest of us.

Nevertheless, we had an opportunity to observe this individual. To suggest he is unpredictable is an understatement. He is very unpredictable. His value on human life, as evident over an extended period of time, speaks for itself.

One can conclude that Iraq is a very unstable area that we are depending on for oil. As I am sure the occupant of the chair, the Senator from New York, recognizes, on a particular day of September 11, we were importing a million barrels of oil a day from Iraq. At this time it is a little over 800,000 barrels a day. Interestingly enough, on that tragic day in September, that was a record, an 11-year-old record.

What do we do with his oil? We use it to drive to work, use it in schoolbuses, to take our kids, whatever. It is the fuel the Navy jets use, which twice this year already bombed Saddam Hussein and every day enforces a no-fly zone over his skies. Last year Iraqis shot at U.S. forces some 400 times. We responded in force 125 times. I ask, can we count on his oil if Baghdad is the next stop in the war of terror?

I have charts here that clearly show the increase of Iraqi oil production in the Mideast, and you can see 1.1 million barrels of Iraqi oil—this is where American families get their oil—the Persian Gulf, almost 3 million barrels; OPEC, 5.5 million barrels. Oil has jumped up to the highest price in 6 months. It is a little over \$24.50 a barrel.

Gasoline prices are at the highest they have been in 6 months. This is indicative of particularly the power of the OPEC cartel, which, by controlling the supply, clearly controls the price.

We have other charts here that I think show a significant figure. We in this country have been able to do a pretty good job of conserving through higher efficiency. As this chart shows, consumption per thousand Btu has dropped from about 18 down to about 11 in the period of 1973 through the year 2000. That is a 42-percent decline. While conservation has made significant advancements, we still are significantly dependent on imported sources of oil

for the reason that America and the world moves on oil.

Here is a chart that is relatively new. It shows crude oil imports from Iraq to the United States in 2001. This is by month, January going over to September. That was an all-time high. That was at a time where the terrorist activities took place in Pennsylvania and Washington and New York.

It is very significant to recognize that we will have to deal with Iraq, and the President has kind of laid down a card that suggests we want to have U.N. inspectors in Iraq.

Saddam Hussein laid down his card yesterday. His card was quite expressive of the prevailing attitude of his regime. No, we are not going to let U.N. inspectors into Iraq.

So what are we going to do? It is our move next. We waited too long to deal with bin Laden. We waited too long to deal with al-Qaida. So this is a scenario that won't be over this week or next. We cannot afford to wait too long to deal with Saddam Hussein. As long as he is in power, he will continue to threaten the world as a member of the axis of evil. All the tools he needs are now within his grasp.

Reducing foreign dependence on oil can lessen the influence and reach of Saddam Hussein. There are solutions that must begin right here at home. Doing so will not only help ensure our energy security; it will further ensure our national security.

Again, I make another appeal to my colleagues to recognize the role that Alaska could play by opening up the Arctic National Wildlife Refuge. On each desk of Members, we have a series of exhibits that highlight the reality associated with opening up this area. It is still very difficult to get Members to focus on a couple of stark realities.

I point out again the size of the area in question in the green. That is 1.5 million acres. That is the only area up for proposal. ANWR itself is a much larger area. It is a 19-million acre area consisting of 8 million acres of wilderness and 9.5 million acres of refuge. The green area is the area in question. Then the idea is what would be the footprint there? In the House bill, H.R. 4, the footprint is 2,000 acres. That is a conglomeration of just a combination of drilling activities on land plus developing pipelines.

It cannot go over 2,000 acres. That is pretty insignificant considering using an area of 1.5 million acres.

As we look at the merits, the question is, Can we do it safely? The answer is, yes, because we use new technology now. We have ice roads and these ice roads don't require gravel. They are simply a process where you lay water on the tundra, it freezes, and then you can move the vehicles, you can move drilling rigs and so forth.

That shows a typical drilling rig. Beyond the area up on the top you see the Arctic Ocean. You can see an ice road leading from the platform. That is the new technology. To suggest we are

going to leave a scar on the tundra in the summertime, which is quite short—and I will show you a picture of the summertime, this area, which clearly is a result of the technology. There is a well that has been spudded in. You can see there are no roads to it because there was an ice road only during the winter.

Winter is pretty long up there. It is about 10½ months a year. There are only about 40 days of ice-free time when the Arctic Ocean is open.

Nevertheless, in spite of the facts relative to being able to open ANWR, America's environmental community has latched onto this, and they have misrepresented issue after issue. The issue they continually propose is that there is only a 6-month supply. We don't know what is in ANWR and they don't know. The range is from 5.6 billion barrels to 16 billion barrels. If it were somewhere in the middle, it would be as big as Prudhoe Bay, and Prudhoe Bay has contributed 20 to 25 percent of the total crude oil production in the U.S. in the last 27 years.

Those are facts. If you look over here on this chart, you will see the 800-mile pipeline. That infrastructure is already in place. That is one of the construction wonders of the world. As a consequence, it has been able to move this volume of oil. It is only utilized to half of its capacity. It is currently carrying a little over a million barrels a day. It can carry as many as 2 million barrels a day. So if oil is discovered in this magnitude, you would be putting a pipeline over from the ANWR area to the 800-mile pipeline down to Valdez, and it is a relatively simple engineering operation.

The question is, Do we want ANWR open and do we want to avail ourselves of the likelihood of a major discovery? People ask, why ANWR? That is the area where geologists tell us is the greatest likelihood for the greatest discovery in the entire continent of North America. So to suggest it is a 6-month supply is unrealistic and misleading. If we didn't import and produce any oil, theoretically, it might be a 6-month supply. On the other hand, it is just as probable to suggest it would supply the Nation with 20 to 25 percent of its total crude oil for the next 30 or 40 years. If it comes in in the magnitude that we anticipate, it would offset imported oil from Iraq for 40 years and from Saudi Arabia for 30 years. The other issue is that it would take an extended time-frame to get on line. I remind colleagues that in 1995 we passed ANWR. It was vetoed by the President. If we would have that on line today, we would not be as dependent on Iraq as we are currently. So it is a matter that will come up before the Congress as part of the energy bill.

The House has done its job; it has passed H.R. 4 with ANWR in it. It is up to us to address this issue now. I encourage my colleagues to try to reflect accurate information, not misleading information that would detract from

the knowledge that we have gained in new technology in opening up this area safely and protecting the caribou. There is always a new argument. New ones continually pop up. One is the question of the polar bear. Most of the polar bears are over by the area near Barrow, as opposed to the ANWR area. We acknowledge that there are a few in the ANWR area. But the point is, under the marine mammal law, you can't take polar bears for trophies in the United States. That has significantly increased the lifespan of the polar bear. If you want to hunt polar bear, go to Russia and Canada. You can't do it in the United States. These are facts that are overlooked as we look at the arguments against opening this area.

The last point is, why disturb this unspoiled, pristine area? The fact is, this area has had the footprints of man on numerous occasions. It was an area where there were radar stations, an area where there is a Native village called Kaktovic, which has roughly 280 people. This is a picture of the village. This is in ANWR—physically there. There is an airport and radar stations. You can see the Arctic Ocean. We have pictures of the local community hall with kids on a snowmobile. This is village life in Arctic Alaska, way above the Arctic Circle. We have a picture showing kids going to school. These kids have dreams and aspirations just as our kids. They are looking for a future—jobs, health care, educational opportunities. They are the same as anybody else. Nobody shovels the snow here; nevertheless, it is a pretty hardy environment. To suggest that somehow this land is untouched is totally unrealistic and misleading.

Speaking for these children, I think we have an obligation to recognize something. I have another chart that shows the Native land within ANWR and the injustice that is done to these people, and I think it deserves a little enlightenment.

This is the map that shows the top, and there are about 92,000 acres in ANWR that belong to the Native people of Kaktovic. It is a smaller chart. We should have that chart. What we have here—and let's go back to the other chart that shows Alaska as a whole because I can make my point with that one. Within this area of the green, which is the Arctic Coastal Plain, up top we have the village of Kaktovic, and that little white spot covers the land that they own fee simple—92,000 acres. They have no access across Federal land, which is what ANWR is. They are landlocked by Federal ownership. So as a consequence, the concept of having fee simple land really doesn't mean very much if you can't use the land and have access, and so forth.

They believe there is an injustice being done here in their Native land. While it is theirs, it doesn't provide them with any access—here is the chart I am looking for. Madam President, we have the specifics here. This general area that you are looking at in

pink is what we call the 1002 area. That is a million and a half acres, where we are talking about providing leases. The Native area is the white area. This is the 92,000 acres. You can see the area offshore; that is the Arctic Ocean. It is free of ice for only about 40 days a year.

The problem the Native people have is access because they cannot have any surface access outside their 92,000 acres of land. If they wanted to move over to where the pipeline is, they would move west and beyond the area on the chart. The question is, Is it fair and equitable that these people are prevented from having access?

We think there should be some provision in the ANWR proposal to allow the Native residents of this area to have access across public land for their own benefit. We intend to pursue this in some manner in this debate as we develop the merits of opening up ANWR. If we were to open it up for exploration, this would not be a question. Clearly, there is a lack of support by Members, based on information from the environmental community that this area is undisturbed and should not be initiated for exploration of oil and gas, even though geologists say it is the most likely area for a major discovery. Still we have an injustice and an inequity to these people. I don't think there has been enough attention given to the plight of these people who, as any other aboriginal people, are ensured certain rights under our Constitution, and those rights have not been granted them.

As a consequence, there is an injustice to the people of the village of Kaktovic and members of the Arctic Slope Aboriginal Corporation, which is the governing body in that area.

With that explanation, I encourage Members to think a little bit about fairness and equity and what we owe these aboriginal people. We certainly owe them reasonable access out of the lands they own fee simple.

Madam President, nobody else is requesting recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified pending amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Dorgan amendment No. 2993 (to amendment No. 2917), to provide for both training and continuing education relating to electric power generation plant technologies and operations.

Mr. REID. Mr. President, I have conferred with the managers of the bill, and with Senator DASCHLE, on the Feinstein amendment, which is pending. During the break, there was a long conversation with the two managers, and with Senator FEINSTEIN and Senator GRAMM. It is believed it would be in the best interest to set this amendment aside and move to some other matters. Everyone should understand that we have every belief that Senators GRAMM and FEINSTEIN are working in good faith to try to come up with some way to resolve this issue. If in fact they do not, though, Senator DASCHLE has indicated that he would be ready to file a cloture motion on the Feinstein amendment so we can move forward on that. We hope we do not have to do that. I am confident that we will not. But in case we cannot resolve the matter, Senator DASCHLE is ready to file a cloture motion on the Feinstein amendment.

We will ask to move off this important matter dealing with derivatives. The two managers have some amendments they can work on that wouldn't take long at all.

I have spoken to Senator LEVIN. He is going to come and offer an amendment and/or substitute on the provision in the bill that deals with CAFE standards. That should begin in the next 15 minutes or so. Is that in keeping with what the two managers understand?

Mr. BINGAMAN. Mr. President, in response, let me say it is in keeping, and I know the Senator from Idaho is here and ready to offer an amendment. His amendment is acceptable.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I make some brief comments on the

amendment, I thank the assistant majority leader for allowing us to set aside what is an important but I think contentious amendment if we don't work out the tremendous complication of dealing with derivatives. It is a complex area and we well ought to know what we are doing. Members and staff of the Banking Committee are now working with Senator FEINSTEIN on it. We are hopeful something can be worked out in this area.

I am pleased both sides have agreed to the amendment that I will send to the desk.

Mr. MURKOWSKI. Mr. President, if the Senator from Idaho will yield, Senator LANDRIEU also has an amendment—the hydrogen protection amendment—which we understand has been agreed to. She will offer that amendment after Senator CRAIG's amendment. We hope to dispose of both.

There are two more amendments that we have not agreed to—Senator DOMENICI on spent fuel and Senator LANDRIEU on licensing new reactors. But we can continue to work on those if we can dispose of the two.

I, of course, support Senator CRAIG's amendment as well.

AMENDMENT NO. 2995 TO AMENDMENT NO. 2917

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2995 to amendment No. 2917.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of Energy to carry out a program within the Department of Energy to develop advanced reactor technologies and demonstrate new regulatory processes for next generation nuclear power plants)

At the appropriate place in the amendment, insert the following:

SEC. . NUCLEAR POWER 2010.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) OFFICE.—The term "Office" means the Office of Nuclear Energy Science and Technology of the Department of Energy.

(3) DIRECTOR.—The term "Director" means the Director of the Office of Nuclear Energy Science and Technology of the Department of Energy.

(4) PROGRAM.—The term "Program" means the Nuclear Power 2010 Program.

(b) ESTABLISHMENT.—The Secretary shall carry out a program, to be managed by the Director.

(c) PURPOSE.—The program shall aggressively pursue those activities that will result in regulatory approvals and design completion in a phased approach, with joint government/industry cost sharing, which would allow for the construction and startup of new nuclear plants in the United States by 2010.

(d) ACTIVITIES.—In carrying out the program, the Director shall—

(1) issue a solicitation to industry seeking proposals from joint venture project teams comprised of reactor vendors and power generation companies to participate in the Nuclear Power 2010 program;

(2) seek innovative business arrangements, such as consortia among designers, constructors, nuclear steam supply systems and major equipment suppliers, and plant owner/operators, with strong and common incentives to build and operate new plants in the United States;

(3) conduct the Nuclear Power 2010 program consistent with the findings of A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010 issued by the Near-Term Deployment Working Group of the Nuclear Energy Research Advisory Committee of the Department of Energy;

(4) rely upon the expertise and capabilities of the Department of Energy national laboratories and sites in the areas of advanced nuclear fuel cycles and fuels testing, giving consideration to existing lead laboratory designations and the unique capabilities and facilities available at each national laboratory and site;

(5) pursue deployment of both water-cooled and gas-cooled reactor designs on a dual track basis that will provide maximum potential for the success of both;

(6) include participation of international collaborators in research and design efforts where beneficial; and

(7) seek to accomplish the essential regulatory and technical work, both generic and design-specific, to make possible new nuclear plants within this decade.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section such sums as are necessary for fiscal year 2003 and for each fiscal year thereafter.

Mr. CRAIG. Mr. President, the amendment authorizes a new program within the Department of Energy called Nuclear Power 2010. The new program was proposed in the administration's fiscal year 2003 budget. Senator MURKOWSKI, Senator LANDRIEU, Senator DOMENICI, and Senator THURMOND are supporters of this effort. We think it is the appropriate direction to go in the development of a new energy package.

The goal of Nuclear Power 2010 is to aggressively pursue activities that will result in the completion of designs for the next generation of nuclear reactors.

This program will also look for ways to reduce the regulatory uncertainties which have been obstacles to the building of new nuclear plants. This program would incorporate cost sharing between government and industry to ensure that the outcome of this program will be not only beneficial but useful to both sides as new designs are developed.

This program will also garner the tremendous creativity of the technical minds within the Department of Energy and our National Laboratories—some great minds that have been sitting somewhat idle in the area of new design and reactor development over the last number of years.

In my home State of Idaho, for example, Argon West was the first ever nuclear effort that lit the first lightbulb. Strangely enough, a lot of folks don't

know that about Idaho. But the reactor that generated that was an experimental breeder reactor. That was well over 50 years ago.

Our National Laboratories have been extensively involved. This reinvolves them. We hope it reinvigorates them.

I think all of us recognize that clean sources of abundant energy are critical for the future of this country. The cleanest is nuclear.

The 2010 amendment is the kind of program that I think sends us in the direction that we want to see our energy base going as an integral part of energy's diverse mix in our country. We believe the 20 percent now made up of current operating reactors will have to go higher in future years as we look at issues of climate change, weather, and, of course, the unpredictable fluctuation in a variety of other energy sources.

That is the purpose and the intent of the amendment. It has been accepted.

I hope this amendment can be voice voted.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we have reviewed the amendment of the Senator from Idaho, and it certainly is acceptable on this side. I support the amendment. I urge my colleagues to support it. We should add it to the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. THURMOND. Mr. President, I am pleased to cosponsor this amendment and compliment Senator CRAIG for his leadership on this issue and nuclear power in general. This amendment authorizes the Department of Energy's Nuclear Power 2010 initiative, a multi-year program for the Department of Energy to partner with the private sector to explore both Federal and private sites that could host new nuclear plants; to demonstrate the efficiency of and timeliness of key Nuclear Regulatory Commission licensing processes designed to make licensing new plants more efficient, effective and predictable; and to conduct research needed to make the safest and most efficient nuclear plant technologies available in the United States.

I am a strong proponent of nuclear power because it is among the cleanest sources of energy in the world today. Additionally it is reliable, efficient and abundant. Presently, the United States gets approximately 20 percent of its power from nuclear plants. Those plants in operation currently cannot operate indefinitely. Accordingly, in order to maintain the energy production we receive from nuclear power today, the United States will need to build new nuclear facilities.

Fortunately, advanced reactor technologies are now available that are safer, smaller and more capable. As we are all aware, however, bringing new civilian nuclear plants on-line is a lengthy process. Regretfully, considerations such as site selection concerns, licensing impediments, and legal chal-

lenges have curtailed new nuclear plants.

In May of last year, I wrote to Vice President CHENEY as head of the President's Energy Task Force. In my letter, I noted how pleased I was to learn that the Administration was committed to developing a comprehensive national energy strategy that would include a renewed consideration of nuclear power. I suggested to the Vice President, that the Administration consider co-locating advanced technology commercial nuclear power production facilities on existing Department of Energy reservations.

Utilizing Department of Energy facilities would mitigate any number of problems associated with building new nuclear plants. To begin with, there is no need to secure new land. In addition to the fact that this is already Federal property, in general, DOE facilities are large isolated areas that are highly secure. Also, individuals living near these locations are usually supportive of nuclear initiatives. They know that having a nuclear facility nearby is not a safety issue. As such, we avoid the "not in my backyard" syndrome. Finally, building new nuclear reactors on existing DOE facilities reduces the amount of new infrastructure required as companies would be "leveraging" against what already exists at these locations.

The Energy Task Force and Secretary of Energy Spencer Abraham did not require much convincing. The Secretary called upon industry to determine interest in developing advanced technology commercial nuclear plants at DOE locations. I have been advised that a number of proposals were received from some of the top energy companies in the Nation.

When Secretary Abraham unveiled the Nuclear Power 2010 initiative, he announced awards to two nuclear utilities to conduct initial studies of several sites that could eventually host new nuclear plants. In addition to several private sites, the Secretary identified the Department of Energy's Idaho National Engineering and Environmental Laboratory in Idaho, the Savannah River Site in my hometown of Aiken, SC, and the Portsmouth site in Ohio as sites to be considered.

These DOE sites were ideal locations to locate nuclear projects fifty years ago. With the right physical characteristics, experienced workforces and supportive local communities, they remain so today. I believe it makes perfect sense to use these existing assets as a platform upon which to expand our civilian nuclear power capabilities.

This initiative is good government and I am pleased that it is included in this package.

Mr. MURKOWSKI. Mr. President, I join Senator BINGAMAN in support of the amendment. It establishes a program within the Department of Energy to aggressively pursue activities that will lead to, hopefully, the development of new nuclear plants.

As we know, nuclear power currently contributes about 20 percent of the total energy produced in this country. France is at about 75 percent; Sweden is at about 46; Japan, 30 percent. So, clearly, this is an amendment that will be an investment in the future. We support the adoption of the amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2995) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2993

Mr. DORGAN. Mr. President, yesterday I offered an amendment that subsequently was set aside. It is amendment No. 2993. The amendment is to establish a National Power Plant Operations Technology and Education Center. The amendment, I believe, is noncontroversial.

I know the Senator from Alaska indicated he would accept the amendment. I believe the Senator from New Mexico indicated the same. I ask that it be immediately considered favorably by the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Reserving the right to object, and I shall not object, my understanding is that we are still examining it. I have no reason to believe there will be an objection, but staff has asked for a little more time.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, in response to Senator DORGAN, we have cleared the amendment. I appreciate his forbearance. We had one question that has been answered satisfactorily. So I urge the Senator to go ahead. I support the adoption of the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Alaska for his courtesy. I ask for the immediate consideration of amendment No. 2993.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2993) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2996 TO AMENDMENT NO. 2917

Mr. MURKOWSKI. Mr. President, we have one more amendment we would like to resolve on behalf of myself and Senator DASCHLE. This is an amendment covering rural and remote communities. My understanding is, it is cleared on both sides.

I would ask the majority for any comments they may care to make.

Mr. BINGAMAN. Mr. President, we do not object to this amendment. It is supported on this side. I urge that the Senate proceed to dispose of the amendment.

Mr. MURKOWSKI. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska, [Mr. MURKOWSKI], for himself and Mr. DASCHLE, proposes an amendment numbered 2996.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MURKOWSKI. Mr. President, the amendment I am offering on behalf of myself and Senator DASCHLE establishes the Rural and Remote Community Fairness Act. This amendment addresses serious electricity and infrastructure concerns of rural and remote communities. Of particular interest to the amendment's cosponsor, Senator DASCHLE, are the provisions that address the concerns of rural and remote communities that suffer from high out-migration. We have well-established programs for urban areas. And I support them.

These programs were established to help resolve the very real problems found in this Nation's cities. But our rural and remote communities experience equally real problems—and they are not addressed by existing urban programs. They have been left out. Not only are these communities generally ineligible for the existing programs—their unique challenges require a different focus and approach.

The biggest single challenge facing small rural communities is the expense of establishing a modern infrastructure. The existence of a modern infrastructure is necessary for a safe envi-

ronment and a healthy local economy. There is a real cost in human misery and to the health and welfare of everyone—especially children and elderly—from poor or polluted water or bad housing or an inefficient and expensive power system.

The problems in Alaska are a perfect example: 190 villages have "unsafe" sanitation systems; 135 villages still use "honey buckets" for waste disposal; and only 31 villages have a fully safe, piped water system.

It is not surprising that Hepatitis B infections in rural Alaska are five times more common than in urban Alaska. Similarly, most small communities and villages in Alaska are not interconnected to an electricity grid and rely upon diesel generators.

Electricity prices in Alaska can be stunningly high. For example: the Manley Utility—77 cents per kilowatt hour; Middle Kuskokwim Electric—61 cents/KWh. But so too can electricity prices in other small communities across our nation. For example: Matinicus Plantation Electric in Maine—30 cents/KWh; Bayfield Electric in Michigan—17 cents/KWh; New Hampshire Electric—15 cents/KWh; Fishers Island in New York—23 cents/KWh.

Compare these prices to the national average of around 7 cents per kilowatt hour—and you can see the problem we need to address.

We just have to do better if we are to bring our rural communities into the 21st century—to enjoy the fruits of economic growth—to have safe drinking water—to have affordable energy.

How will this amendment address these problems?

First, it authorizes \$100 million per year for block grants to communities served by utilities who have 10,000 or fewer customers who pay more than 150 percent of the national average retail price for electricity. These small communities may use the grants for infrastructure improvement including weatherization; modernizing their electric system; and assuring safe drinking water and proper waste water disposal.

Second, it authorizes electrification grants of \$20 million per year to small, high-cost communities. These grants can be used to increase energy efficiency, lower electricity rates, or provide or modernize electric facilities.

Third, it addresses the problem of high electricity prices in Alaska—a problem that will diminish as new, efficient electric generation can be installed.

Fourth, it addresses the very real problems of communities that have a high rate of out-migration. It provides affordable housing and community development assistance for rural areas with excessively high rates of out-migration and low per-capita income levels. This is a very significant problem for Senator DASCHLE's State of South Dakota.

This amendment makes a significant step toward resolving the critical social, economic and environmental

problems faced by our Nation's rural and remote communities.

I encourage my colleagues to support this amendment.

Mr. MURKOWSKI. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2996) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the Senator from Missouri is in the Chamber and ready to speak on the amendment Senator LEVIN and he are intending to offer. The floor is open for their discussion at this point.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2997 TO AMENDMENT NO. 2917

(Purpose: To provide alternative provisions to better encourage increased use of alternative fueled and hybrid vehicles.)

Mr. BOND. Mr. President, I appreciate the courtesy of the managers of the bill. Senator LEVIN will be in the Chamber shortly, but I thought I would go ahead and make some remarks prior to the offering of this amendment, which I think is a very significant one.

There are many important issues in an energy bill, but what happens to our automobile economy, what happens to the workers, what happens to the people who buy them, what happens to the people on the highways should be a very important consideration.

I think when you talk about energy and fuel economy standards, the impact on jobs and safety need to be at the top of anyone's list. That is why I am pleased to join my colleague from Michigan, Senator LEVIN, in crafting a commonsense amendment to the energy bill that will increase passenger car and light truck efficiency while protecting jobs, highway safety, and consumer choice.

Before we get into the details of the amendment—and we will be getting into lots of details, probably more than anybody wants to know about corporate average fuel economy—let me just take a moment to review the state of our economy.

A few weeks ago, I was disappointed that the Senate had stalled out on an economic stimulus package. We have been in a recession for months, and although there are signs of a recovery, there are still many Americans without jobs.

Of course, as you know, we did pass a smaller bill to increase the time of payment for unemployment compensation that did have a portion of the stimulus package in it.

Now, what would be the link between higher fuel economy standards and economic recovery and stimulus and jobs? I will tell you.

I have listened to the car manufacturers, the working men and women in the unions who build the cars, and the other impacted groups, and the significantly higher CAFE standard, or the miles per gallon, which will be required for vehicles that are included in Senator DASCHLE's energy bill that he created, without committee action, has a very real likelihood of throwing thousands of Americans out of work, including many of the 221,000 auto workers in Missouri.

That is because the only way for car companies to meet the unrealistic numbers in the underlying amendment is to cut back significantly on making the light trucks, the minivans, and the SUVs that the American consumers want, that the people of my State and the people of the other States want—to carry their children around safely and conveniently, to do their business. If they have jobs in one of the trades, they need minivans and compartment trucks and others to carry their goods. If they are farmers, they need pickup trucks to take care of their livestock and to haul equipment and feed.

I know some in this Chamber believe our fellow Americans cannot be trusted to make the right choice when purchasing a vehicle. But when it comes down to choosing between the consumer and the Government as to who is best to make a choice, I will side with the consumer every time.

I don't pretend to know what is best for each of the 15 million Americans who will be purchasing a new vehicle this year and the ones next year or in the years after. Those who want higher Government CAFE or miles-per-gallon standards always claim to have the best interests of the consumer in mind and always promise that the last thing they want to do is hurt the car manufacturers. Well, they have missed the mark by a mile with language that ended up in the bill before us today.

Proponents portray this CAFE provision, authored by Senator KERRY and others, as reasonable and necessary. I have other words in mind to describe it. It is antisafety, anticonsumer and antijob.

I also have the numbers to consider during this debate. How about 6.6 million. That is the number of Americans employed in direct or spin-off jobs related to the automotive industry. In fact, every State in America is an auto State. We all know that Michigan, Indiana, Missouri, and Ohio are big manufacturing States. But even smaller States such as Nebraska, New Hampshire, and Delaware have suppliers and other industries where success and business profitability is directly related to the large car assembly plants in the Nation.

As we struggle to get our economy moving again, we ought to be developing proposals that will increase the number of jobs. Unfortunately, the underlying miles-per-gallon standard in this bill by Senator DASCHLE does just the opposite. It must be removed. It must be replaced.

I recognize there are competing views on this subject. Some of my colleagues prefer to listen to the arguments put forth by those who have never built a vehicle, never visited a plant, or don't even have an elementary understanding of how a car works.

I prefer to listen to those who are actually engaged in the business of making cars, of designing cars, servicing cars, selling cars and trucks. They tell me one consistent message: The CAFE provision is a job killer, a threat to the safety of our friends and families and a mandated market that eliminates consumer choice. For those who say, too bad, we must force Detroit to build more fuel-efficient cars and trucks, do you know that under CAFE it doesn't matter what the companies manufacture and build? It is calculated based on what the consumer buys.

There are over 50 of these high economy models in the showrooms across America today. But guess what. They represent less than 2 percent of total sales. Americans don't want them. You can lead a horse to water; you can't make him drink. You can lead the American consumer to a whole range of fancy, lightweight, long-distance automobiles, but you can't make them buy them.

Meanwhile, consumers from families, soccer moms, farmers, people with teenagers, people with soccer teams, they want the minivans. A constituent of mine, Laura Baxendale in Ballwin, MO, asked:

Senator, our mini-van is used to transport two soccer teams, equipment and seven players, how would this be possible in a smaller vehicle?

I have to tell Ms. Baxendale, the bad news is they would have to have a string of golf carts. You can see the golf carts going down the highway to soccer practice, maybe two kids in each golf cart. It is not a very safe or efficient way to transport.

Here is a quote from Jeffrey Byrne, of Byrne Farm in Chesterfield, MO:

As a farmer I do not purchase pickup trucks because of their fuel economy, I purchase them for their practicality.

He buys them because he needs them. He is taking care of his livestock. Did you ever try to put a load of hay in the back of a golf cart? It doesn't make a very big delivery vehicle.

Under the new CAFE numbers, the production of these popular vehicles would need to be curtailed. I don't want to tell a mom and dad in my home State they can't get the SUV they want because Congress decided that would be a bad choice. I don't think that is a sound way to set public policy. After hearing from assembly line workers, farmers, auto dealers, and others directly impacted by Government CAFE standards, I fully believe the appropriate fuel economy standards are best decided by experts within the Department of Transportation who have the technology and the scientific know-how to determine what is feasible to help lead us down

the path towards the most efficient, economical, and environmentally friendly standards, rather than by politicians choosing some political number out of the air. We could get in a bidding war, but we are bidding on something we know nothing about—how efficient can engines be made.

Under the Levin-Bond amendment, the experts at the National Highway Transportation Safety Administration are directed to refer to sound science in promulgating an appropriate and feasible increase. Think of that. This would be historic, if this body said we are going to use sound science on a technological issue before us. Senator LEVIN and I believe the time has come. This amendment will strengthen the regulatory process to ensure that the miles per gallon or CAFE levels are accurate and reflect the needs of consumers, the technology development, without undo consequences for safety and jobs.

Ultimately, I do believe science, not politics, should drive the deliberations on the CAFE or miles-per-gallon standards. I would be most interested to see what hard data and solid science our colleagues who have pushed for this 35-mile-an-hour CAFE standard say justifies it, the standard in the bill. I am waiting to see what scientist thinks there is a technology to meet it. I don't believe I would hold my breath because I don't think it exists.

This is, unfortunately, a political number pulled out of thin air. Even worse, it is a number that could have deadly consequences for American drivers and passengers. I have read the 2001 National Academy of Sciences report on the CAFE standard. Let me share with you a key finding about safety and higher standards.

This is a report in USA Today. It says:

The fatality statistics show that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

The National Academy of Sciences say:

In summary, the majority of that committee finds that the downsizing and weight reduction that occurred in the late 1970s and in early 1980s most likely produced between 1,300 and 2,600 crash fatalities and 13,000 to 26,000 serious injuries in 1993.

They estimate that 2,000 people were killed in 1993. I fear that has been replicated every year since. It goes on to say:

If an increase in fuel economy is effected by a system that encourages either downweighting or the production and sale of more small cars, some additional traffic fatalities would be expected.

That National Academy of Sciences report offers all of us clear guidance and expert scientific analysis as we debate fuel economy levels. I would also point out that the NAS panel was extremely careful to caution its readers that its fuel economy targets were not recommended CAFE goals because they did not weigh considerations such as employment, affordability, and safety.

These are the quotes from the National Academy of Sciences that I have just given you. I will leave it up to my colleagues can read it. I will have a copy of the report on the floor. I am sure everybody will be as fascinated as I have been to read it because it contains important information.

Opponents of our amendment may question how effective the experts at NHTSA will be in leading the new fuel economy standards. Some might prefer that Congress set a political number as we find in the current energy bill. Our amendment takes an approach that, rather than politics and guesswork, hard science and technological feasibility should be the prime consideration in the development of any new CAFE standards.

I will ask that my colleague from Michigan, who is going to describe this amendment, give you the details. I will just say that it is vitally important that we strike the people killing, jobs killing, market killing, CAFE or miles-per-gallon provisions currently in S. 517 because they would only hurt the consumer and do very little for fuel economy. Let's save jobs and save American lives by voting yes on the Levin-Bond amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me thank my good friend from Missouri for the tremendous effort he has put into fashioning this bipartisan approach to increasing fuel economy. He has played an indispensable role. I am very much appreciative of that and, of course, his presentation today.

This bipartisan approach is an alternative to the language in the substitute that is pending, the language which I will refer to as the Kerry-Hollings language. Our amendment is aimed at increasing fuel economy. That is No. 1. We want to increase fuel economy. We want to do it in a way that also allows the domestic manufacturing industry in our U.S. economy to thrive as well. We think we can accomplish both goals. We don't think these are mutually exclusive goals, inconsistent goals, or goals that are in conflict with each other, providing we do it right. If we do it wrong, we will have a very negative effect on the American economy and on manufacturing jobs in America. If we do it wrong, we will not even benefit the environment the way we should. I will get into the right way and the wrong way in a few moments.

We really have a three-point policy that we are talking about—three policies that we want to emphasize in this amendment. First is the need to increase fuel economy in our vehicles. That is policy No. 1.

No. 2, we put a much greater emphasis on incentives to achieve that goal, positive ways of achieving that goal. We do it in a number of ways in this bill. We have a requirement here that the Government purchase a large number of advanced technology vehicles.

Government purchases are a way of advancing the way of fuel economy. The Presiding Officer is a member of the Armed Services Committee and may remember that last year in our defense authorization bill we actually put in a requirement that the Defense Department, starting in the year 2005, purchase hybrid vehicles. What this bill does is it applies the same principle to the balance of our Federal Government so that we use the purchasing power, the pulling power, the positive power of Government purchases to provide a market for advanced technology vehicles or hybrids.

We also have a greater emphasis on joint research and development. The administration has proposed an approach, which is a very useful approach, built on what was called the "partnership for a new generation of vehicles," which the last administration put into place, which is based on partnerships between the Federal Government and the private sector in trying to develop new technology. The administration now has talked about moving with greater emphasis on fuel cells—they call it the "freedom car."

We would add about 40 percent additional funds to advanced technology research and development between the private sector and the Federal Government. That is the second thing we do in terms of positive incentives to try to achieve greater fuel economy.

A third thing that we would do, we would do it in a separate bill, so that this bill would not be subject to a point of order, or subject to a slip that the House of Representatives might be able to file against it. We do something on the tax credit side. We would significantly enhance the tax credits—tax deductions—that are provided for both advanced technologies and for new technologies. In the provision that is going to be offered, I believe, which has been adopted by the Finance Committee, for electric vehicles, we would increase the existing electric vehicle tax credit up to a maximum of \$6,000 for 6 years, beginning this year going through 2007. For fuel cell vehicles, we would establish a tax credit up to a maximum of \$11,000 for 8 years, beginning in the year 2004, ending in 2011. For hybrid vehicles, the separate amendment we will be offering would establish a tax credit up to a maximum of \$5,000 for hybrid vehicles for 6 years, beginning in 2004.

We also would have a greater emphasis on using tax deductions for infrastructure equipment and infrastructure for fuels and alternative fuels—for hydrogen. We would take the existing tax deductions and make them last longer. We would apply them to a greater range of equipment, and we would also establish a tax credit of up to \$30,000 for the cost of installation of alternative fuel and hydrogen distribution equipment, beginning in 2002 and ending in 2007.

There are—in addition to what I have just outlined—some research and devel-

opment programs that we would emphasize. On diesel research, we would coordinate with the Secretary of Energy on an accelerated R&D program to improve diesel combustion. We would have a fuel cell demonstration program between the Department of Defense and the Department of Energy.

Those, briefly, are the things we would do to create positive incentives, market pull, and partnerships between the Federal Government and the private sector, to try to get us to a greater level of fuel economy.

Our third policy is based on our belief that there are a host of factors that should be considered before the CAFE requirement is adopted. We think there should be a new CAFE requirement. Our provision calls upon the Department of Transportation to increase—that is our word—standards for cars and light trucks based on the consideration of a number of factors. Then we list the factors that we hope the Department of Transportation will consider. They include technological feasibility. That is the only one that is in the bill before us.

The bill says it would take the most advanced technologies, assume they will be incorporated into vehicles, and then do not consider, however, the other factors that we say logically must be considered before a new CAFE standard is adopted, such as cost-effective Government motor vehicle standards on fuel economy. For instance, what is the impact on our tailpipe emission standards?

The need to conserve energy; that is obvious. We all want to do that. That is a goal. The desirability of reducing U.S. dependence on foreign oil, clearly, that is one of our goals. What is the effect on motor vehicle safety? As the Senator from Missouri pointed out, the study of the National Academy of Sciences shows that there is a loss of lives and a significant number of injuries which result when you raise the CAFE standards, as we did some years ago. I will get back to the safety issue in a moment because it is a factor that should be considered. That is all we are saying. We are saying that it is logical and rational to have a process where other factors beside potential technological advances should be considered in setting a new CAFE standard.

The adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers, I will come back to that issue because the CAFE structures had a discriminatory impact on the American auto industry with vehicles just as fuel efficient, I emphasize. I want to spend some time on that issue in a moment.

The American-manufactured vehicles are just as fuel efficient, and they are put in a negative position, vis-a-vis the imports, because of the CAFE structure—the fact that it looks at a fleetwide average rather than looking at class of vehicles compared to class of vehicles.

Instead of saying the same size vehicle will be subject to the same CAFE

standard, the same mileage standard, it lumps together all vehicles of a manufacturer, and the results are, in my judgment, bizarre and costs huge numbers of American jobs without the benefit to the environment.

We would ask the Department of Transportation, during this period of time that we give to them, to consider rulemaking would also take a look at the effect on U.S. employment, the effect on near-term expenditures that are required to meet increased fuel economy standards on the resources available to develop advanced technology.

What is the relationship between requiring short-term gains on the need to make leap-ahead technologies available to us earlier, to make the advanced hybrids available earlier—and I emphasize advanced hybrids available earlier—to make the fuel cells available to us in 10 years instead of 20 years? What is the impact on taking arbitrary numbers requiring the auto industry year by year to meet those standards on what our ultimate goal I hope will be, which is huge reductions in the use of oil by the advanced technologies called advanced hybrids and fuel cells?

Another thing we would require is that the National Research Council, the part of the National Academy of Sciences that reported in a report entitled "Effectiveness and Impact of Corporate Average Fuel Economy Standards," which was issued in January of this year—we would require that report be considered.

I am going to give some quotations, as the good Senator from Missouri did, from that report because we think that report is an important report.

The time line we would give the Department of Transportation is 15 months to complete the rulemaking for light trucks, and 24 months to complete their rulemaking for passenger cars. If they do not complete it, it would be in order, under an expedited process, for Congress to then take up alternatives which could be considered. It at least puts in place a rational system of looking at many criteria which are relevant to the question of where the new standards for fuel economy ought to be instead of arbitrarily picking a number out of the air, having staff, for instance—apparently we are told staff is considering some numbers—and come up with a conclusion that we could impose a 36-mile-per-gallon or a 34-mile-per gallon requirement on the entire fleet, lumping together trucks and passenger cars.

Mr. KERRY. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield at the end of my remarks. I thank the Senator.

Instead of doing that, we should have a rational rulemaking process that is put in place for a fixed period of time that then makes a decision on what the new standards should be. That would be subject to legislative review under existing law, under an expedited process.

It can then be vetoed, and under our bill, if there is no report within that fixed period of time, it would then be in order, under the expedited process, to offer alternatives to it.

Those are some of the provisions of our alternative. We think it is a much more rational process. It takes advantage of a rulemaking opportunity where various criteria can be considered, where safety factors can be considered—and I want to get to safety factors in a moment—where we can look at the discriminatory impact on various manufacturers that are put in different positions, put in worse positions. Even though their cars are equal or better in terms of fuel efficiency, they are put in a negative position vis-à-vis their competition.

What is truly bizarre, it seems to me, is it is the American manufacturers that are put in that discriminatory position, that negative position, not based on their efficiency, because we are going to go through that in a minute, but based on the way this CAFE provision is structured. It puts American jobs at risk with no benefit to the environment. It does not help our environment or the air to push somebody into an equally efficient or less efficient imported vehicle than a domestic vehicle that is equally efficient or more efficient. We are not doing anything for the air, and we are costing American jobs.

That is the effect of the CAFE structure. It seems to me, at a minimum, we should ask the Department of Transportation to include in their rulemaking review what are the adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers.

I wish to show a few charts.

This is a chart which I have produced which compares, class by class, some American-made and imported vehicles. This is not a chart which was produced by the auto industry. It was produced by me. It obviously does not include every vehicle, but we believe it makes an important point, which is that American vehicles, class by class, are at least as fuel efficient as foreign vehicles.

This chart shows trucks, pickups, SUVs, and the minivan. Those are the three vehicles we studied.

A similar chart can be made for passenger vehicles. We did not do that because that has not been the focus, but we are perfectly happy to compare numbers on passenger vehicles provided we are comparing apples and apples, providing we are comparing classes of vehicles of the same relative size.

We can also look at passenger vehicles, and we can reach basically the same conclusion. The problem is, if you lump all the different classes of vehicles together, at that point you come up with a system which has a discriminatory impact on some manufacturers, and it is the American manufacturers that carry the brunt of that disparate impact.

Take a look, for instance, at the large SUVs. Ford Expedition gets 15 miles per gallon. GMC Yukon gets 15 miles per gallon. Dodge Durango gets 15 miles per gallon. The Toyota Land Cruiser gets 14 miles per gallon. If people want to choose a Toyota, that is their business, but it seems to me we should not be creating a system which pushes people to imports because Toyota can produce hundreds of thousands of additional Land Cruisers without any negative effect in terms of their bumping up against the CAFE limit when the Land Cruiser is not as fuel efficient as the American vehicles.

Midsize SUVs: Ford Explorer, 17 miles; Chevrolet Trail Blazer, 18 miles; Jeep Liberty, 17 miles; Toyota 4Runner, 17 miles—equal or a little better fuel efficient in case of the Trail Blazer. It is the same with the small SUV, the large pickup, and the small pickup.

We can go through these one by one, but in each case, the U.S. vehicles are either as fuel efficient or slightly more. One can also pick cases where an imported vehicle may be 1 mile per gallon or somewhat more efficient. Those cases will exist if one looks at it enough.

If we look at the entire picture class by class, American vehicles are as fuel efficient as imported vehicles, or in the cases I gave—and in many other cases—more fuel efficient.

We have a situation called CAFE where foreign manufacturers are relatively unconstrained by CAFE because of a fleet mix, not because they are more fuel efficient class by class.

Nothing is gained for the environment if an imported SUV is bought instead of an American-made SUV where the American SUV is at least as fuel efficient as the foreign SUV. Nothing is gained for the air, but a lot of American jobs are lost.

If we look at the opportunity for just one manufacturer—let me back up 1 minute.

This is the impact of a 36-mile-per-gallon combined car/truck standard on five manufacturers. Honda only has to increase theirs by 20 percent; Toyota, 36 percent; GM, 51 percent; Ford, 56 percent; DaimlerChrysler, 59 percent.

Again, I emphasize, because this is the key point, those disparate impacts have nothing to do with the relative fuel efficiencies of the vehicles of the same class. It has to do with the fleet mix.

What we have put in place—I guess the word "bizarre" is as close as I can come to it, because this does not do anything for the environment to push people into an imported vehicle which is no more fuel efficient than a domestic.

If people want to buy an imported vehicle, that is their judgment, that is their business, but for us to have a structure which pushes people in that direction because we constrain the number of larger vehicles which the American manufacturers can produce,

although they are equally efficient and many times more efficient in terms of fuel than the imports, it seems to me does not do anything for the environment and it costs American jobs. That is something we should avoid. We ought to take the time to avoid it.

We ought to have a regulatory process where people can look at the disparate impacts on various manufacturers, as well as all of the other criteria which ought to be used, such as vehicle safety.

I will read a couple of statements from the National Academy of Sciences study relative to safety. Page 27: The downsizing and downweighting of the vehicle fleet that occurred during the 1970s and early 1980s still appear to have imposed a substantial safety penalty in terms of lost lives and additional injuries. Page 70: There would have been between 1,300 and 2,600 fewer crash deaths in 1993. That is the year they studied. They picked the year, not me. They picked the year 1993 to look at the impact of CAFE on safety. The National Academy of Sciences said—not the American auto industry, not the insurance industry but the National Academy of Sciences—there would have been between 1,300 and 2,600 fewer crash deaths in 1993 had the average weight and size of the light-duty motor vehicle fleet in that year been that of the mid-1970s.

Similarly, it was estimated there would have been 13,000 to 26,000 fewer moderate-to-critical injuries. These are deaths and injuries that would have been prevented in larger, heavier vehicles given their improvements in vehicle occupant protection and the travel environment that occurred during the intervening years.

In other words—and this is the bottom line for me—these deaths and injuries were one of the painful tradeoffs that resulted from downweighting and downsizing and the resultant improved fuel economy. Painful tradeoffs. Should somebody consider that? Is it worth considering between 1,300 and 2,600 deaths in 1993? That is the typical year they picked. Should that not be at least a factor on the scale?

It is not on the scale in the language that is in the substitute before us. We want to put it on that scale. There is no one of these factors which by itself ought to result in any particular outcome. All of these factors ought to be weighed, but that is not what is in the substitute. In the substitute is a number, arbitrarily selected, which in the judgment of some—and we do not know how, we do not have a committee report to help us through that mine field. All we know is we have a number and then we are told that is reasonable; they can do that.

Look, they can produce vehicles that get 40 miles per gallon. Sure, they can. They can produce electric vehicles which even do better than that. The question is, Are there people who want to buy them? That is always the question. In trying to determine that, do

we want to try to factor in what is the cost?

I urge people to take a look at the National Academy of Sciences tables when it comes to costs. They are complicated, they are technical, but they are worth looking at.

Now, the National Academy does not conclude what a new CAFE number should be. We should set the policy, it says, and we are. In this amendment, we are setting the policy. Our policy is, we want to rely more on positive incentives. Our policy is, we want to increase fuel economy. Our policy is, we want to look at a lot of provisions which are relevant to the question of what the new CAFE numbers should be; not just the one factor which the proponents of the language in the substitute rely on, which is potential technological feasibility, but other factors: costs, safety, adverse effects on relative competitiveness of manufacturer, effect on U.S. employment and the National Research Council's entire report.

I talked about the disparate effects.

The amendment I have made reference to I would now send to the desk on behalf of myself, Senators BOND, STABENOW, and MIKULSKI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. BOND, Ms. STABENOW, and Ms. MIKULSKI, proposes an amendment numbered 2997 to amendment No. 2917.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEVIN. The National Academy of Sciences report also makes some references to these disparate impacts on different manufacturers of CAFE, and this is what they say on page 102: That one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers.

Equal treatment of equivalent vehicles made by different manufacturers seems pretty reasonable to me. This is what they say about that: The current CAFE standards fail this test. If one manufacturer was positioned in the market selling many large passenger cars, thereby was just meeting the CAFE standard, adding a 22-mile-per-gallon car would result in a financial penalty or would require significant improvements of fuel economy for the remainder of the passenger cars.

Then they also say on page 69: A single standard that did not differentiate between cars and trucks would be particularly difficult to accommodate. On page 15: For foreign manufacturers, the standards appear to have served more as a floor towards which their fuel economy descended in the 1990s. This is

the result of CAFE. This is the additional sales of large pickups and SUVs which would be allowed under CAFE under today's standard because of the way it is based.

GM, again whose vehicles are equally fuel efficient class by class with their imported competitors: Toyota and Honda, zero. They are up to the limit. Because of the fleet mix, Toyota can sell 312,000 additional, Honda 324,000 additional. If one adds credits which have been built up over the years to that, it reaches, I believe, a million. That is the CAFE system.

Should somebody look at that system? Is that a system which is worth looking at again to see whether or not in fact it has these kinds of disparate impacts?

The National Academy acknowledges that the current CAFE standards fail the test of manufacturers of equivalent vehicles receiving equal treatment.

That ought to be enough, it seems to me, to say we should take another look at the CAFE structure. Someone ought to take another look at it. There ought to be a regulatory process where people can come in, make arguments, where people who have the responsibility to look at all the criteria weigh the criteria, publish a proposed rule for comment, and get comment on it. That is not what is proposed in the substitute. It is proposed we get an arbitrary number and say that is what it will be because some people think that is doable. Some people here, apparently, and some of the outside folks they rely on think that is doable.

That is not a rulemaking process, it seems to me, that looks at all the criteria that need to be looked at when we have something as important as this is for the economy of this country.

I will be happy to answer questions of my friend from Massachusetts if they are still on his mind after I close.

In conclusion, the stakes we have are huge for the environment and for the economy. I have been sensitive to the environment all my life, coming from a State where the environment is absolutely critical, where water and air mean everything. We are in the middle of the greatest batch of fresh water in the world, the Great Lakes. We care deeply about it. We are a State where environment is high on everybody's list.

I will take a back seat—since we are talking about vehicles—to nobody when it comes to my belief we should protect the environment. I believe we can protect the environment in a way which does not negatively impact our economy if we will do it the right way, if we will go at this the right way, with greater emphasis on positive incentives, but greater caution, before we pick a number which we then impose on an industry, particularly when we know from the NAS study that the CAFE system has not been equitable, that it treats equivalent vehicles of different manufacturers in an equal way.

We can fix that—it will take a little time—if we will turn this over, with a fixed calendar and schedule, to a regulatory body which has the responsibility to do this, and then watch them go through a process, issue a regulation, publish that regulation, either adopt it or veto it under existing law, and if they do not comply with the calendar we set for them, we then have an expedited process here to consider alternatives, including those offered by my good friend from Massachusetts and my friend from South Carolina.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise this afternoon to strongly support the Levin-Bond-Stabenow-Mikulski amendment.

First, I thank my colleague from Michigan for all his leadership and hard work on this proposal which I believe strikes a balance to be able to bring together the common goals of increasing fuel efficiency and also making sure we are protecting jobs and supporting the growth in the American economy. I support and thank my friend from Missouri for his hard work and leadership on this issue as well.

I begin by saying that this debate is not about whether or not we should increase vehicle fuel efficiency. I agree with Senator KERRY about the importance of creating more fuel efficient cars and SUVs, not only because it would decrease our oil consumption and our dependence on foreign oil, but because of the important benefits it has our environment. What this debate is really about is what is the best way to increase fuel efficiency without having negatively affected U.S. manufacturers and American jobs.

Before I discuss the Kerry-McCain CAFE proposal, I address the myth that the Big Three's vehicles are not as fuel efficient as their foreign competitors. When CAFE was first enacted as a part of the 1975 Energy and Policy Conservation Act over 25 years ago, the Big Three were criticized for lagging behind their foreign competitors by making bigger, less fuel efficient cars. A lot has changed since the CAFE system was first implemented and this is not your mother's Big Three. When you compare foreign and American vehicles that are in the same weight and class, the American vehicles are as fuel efficient, and often more fuel efficient than their foreign counterparts.

For example, the Toyota Camry, one of the most popular cars in Toyota's fleet, is less fuel efficient than all of its Big Three competitor passenger cars we compare. Both the Ford Taurus and the DaimlerChrysler Concord have a city/highway fuel economy of 23 miles per gallon, which is 1 mile per gallon more fuel efficient than the Toyota Camry. The GM Impala has a city/highway fuel economy of 25 miles per gallon—it is 2 miles per gallon more fuel efficient than the Toyota Camry. This is true across the Big Three's fleets—

pound for pound, as my colleague from Michigan likes to say, American cars are as fuel efficient as their foreign competitors.

This is true even for the biggest, heaviest American SUV. This chart shows the fuel economy of the largest SUV models, all of which have larger, more powerful engines. All of the Big Three SUVs have better fuel economy than the Toyota Land Cruiser Wagon. The DaimlerChrysler Durango, Ford Expedition, and GM K1500 Suburban have a city/highway fuel economy of 15 miles per gallon, which is 1 mile per gallon more fuel efficient than the Toyota Land Cruiser Wagon.

The question becomes, with all of these more fuel efficient vehicles in their fleets, why does the Big Three have a lower CAFE number than its foreign competitors? It is because the CAFE system does not reflect the real fuel economy of the cars and trucks in an automaker's fleet; instead it really reflects what vehicles consumer purchase. The CAFE number does not reflect the fuel economy improvements of each vehicle; instead CAFE represents the averaged fuel economy of an automaker's entire fleet which depends on how many of each model consumers actually buy. Therefore, an automaker can increase the fuel efficiency of all of their vehicles but still have a declining CAFE average depending on what models sell the most.

For example, over the past 3 years GM has introduced new truck and SUV models that are more fuel efficient than the models they replaced. They are introducing more fuel-efficient trucks and SUV models than the models they replaced. But GM's light truck CAFE number has either remained flat or actually gone down.

This is the bizarre situation that Senator LEVIN talked about. That doesn't make any sense. But in 2000, GM introduced reengineered full-size SUVs—the Chevrolet Tahoe and the GMC Yukon—which have an increased fuel economy of 4 percent over the models they replaced. The more fuel efficient 2000 models sold were 190,000 more than the previous models, but the GM's light truck CAFE number actually decreased because of increased sales of these more fuel-efficient SUVs.

That doesn't make any sense. That is why we are objecting to the current process for CAFE.

Let me talk about another chart.

In model year 2000, GM's combined car and truck CAFE average was 24.2 miles per gallon. For model year 2001, GM made fuel economy improvements to eight different vehicles in their fleet—the Ventura, the Park Avenue, the Bonneville, the Impala, the Grand Prix, the DeVille, and the Aurora. For all of these models, the fuel efficiency numbers went up.

Some of the vehicles had a 17-percent, 19-percent, or 6-percent improvement in fuel economy over the models of the previous years. But do you know what GM's combined car and truck

CAFE average was for model year 2001? It was 24.2, the same as model year 2000. GM improved the fuel economy of eight vehicles, and their CAFE numbers stayed the same. How does a system that does not reflect actual improvements in vehicle fuel economy and penalizes automakers for doing the right thing make any sense?

The proposal of Senator KERRY and others builds upon this flawed system and further compounds the anti-competitive and discriminatory impact on our Big Three automakers. Currently, the Big Three automakers make a higher proportion of trucks than cars. Because of their product mix, this CAFE proposal creates impossible fuel economy targets for U.S. automakers without really affecting the foreign competitors, which is a major concern for me.

DaimlerChrysler, for example, has a fleet mix of approximately 65 percent light trucks and 35 percent passenger cars. Assuming we close the so-called SUV loophole and DaimlerChrysler's light truck fleet achieved 28 miles per gallon, its passenger car fleet would have to average over 76 miles per gallon to achieve the 36-mile-per-gallon fleetwide average.

That is the problem with CAFE. However, Honda, which has a fleet mix of approximately 20 percent light trucks and 80 percent passenger cars, would only have to achieve a passenger car fleet average of 38 miles per gallon to achieve that same 36-mile-per-gallon fleetwide average.

There is something wrong with this picture. Furthermore, this CAFE proposal will not guarantee a more fuel-efficient SUV. But it will guarantee that the SUV will be made by Honda or Toyota instead of an American-made auto company.

I can tell you as someone coming from the great State of Michigan that this is not something the people of my great State want to see happen, nor should we want it to happen nationally. The impact is serious for us in terms of jobs and the economy. Foreign manufacturers already control a large share of U.S. car sales. Trucks and SUVs are the last domestic stronghold, but the same shift to foreign manufacturers is already evident in the truck market.

This CAFE proposal places an anti-competitive cap on how many trucks and SUV's the Big Three can produce, but leaves their foreign competitors unencumbered to expand into the truck and SUV market. Competitors with fewer sales in the truck and SUV market would be able to increase their sales in this area resulting in a transfer of market share, without a net gain in fuel economy. For example, Toyota can produce up to 250,000 more Tundras today, without increasing any vehicle fuel efficiency and without going below the currently mandated CAFE requirements. Imagine how many more Tundras Toyota could build under this CAFE proposal while our American

automakers are restrained from competing in that important market.

These foreign competitors also have more CAFE credits built up from previous model years due to their mainly smaller vehicle mix. By applying these credits to future model years, foreign automakers would be able to further fill the demand for larger vehicles that would be left unmet by the restraints placed on our American automakers. For example, at the end of model year 2001, Toyota has about \$140 million in CAFE credits. This would allow Toyota to produce up to 1.1 million Tundras at current CAFE standards before exhausting its built-up credits.

The Kerry-McCain proposal also does not address the pick-up truck problem in any meaningful way. The Kerry-McCain proposal would exempt heavy duty pick-up trucks weighing between 8,500–10,000 pounds, but that is just a restatement of current law because trucks in this weight range are already exempted from CAFE. This proposal fails to address the concerns of farmers, ranchers and other pick-up truck consumers, since the overwhelming majority of pick-up trucks would fall below this 8500 pound limit.

I want to stress that I am not advocating that we protect the Big Three from market competition. I am not supporting a freeze on CAFE standards because I do not believe the Big Three should avoid producing more fuel efficient cars and SUVs.

We are not arguing about a freeze. We are talking about a better way to do this that moves us forward and that gets us to where we all want to go in a way that does not penalize the domestic automakers and cost jobs.

But like a CAFE freeze, this proposal also protects a group from real market competition and thwarts increases in fuel efficiency; however, the group that this proposal protects is not the Big Three, but their foreign competitors like Honda and Toyota.

It is also important to remember that the 36-miles-per-gallon number in this CAFE proposal is not anywhere in the National Academy of Science's report. Even under the optimistic scenarios in the NAS report, which assume that consumers are willing to recover the higher costs of the technology over a 14-year period instead of a 3-year period and assume "average" technology costs, only subcompact passenger cars are projected to reach the 36 mpg within the 10–15 year timeframe. Under these optimistic 14-year payback and "average" costs projections, the highest level for any light truck, which is for small SUVs—is only 32.6 miles per gallon. This CAFE proposal sets a number that according to the experts at NAS, only a smallest passenger car could meet!

This proposal legislates a market advantage for foreign automakers, while in essence forcing a production cap on our American automakers' most popular vehicles.

The EV-I—an electric car—was produced not 10 minutes from my house in

Lansing, MI. That plant was closed because they weren't getting enough volume in production. People weren't buying it. We need to find ways to make that more attractive, which is what our proposal does by helping with infrastructure, bringing the price down, and creating more volume.

Our American automakers will be forced, unfortunately, under the underlying proposal, to respond in a number of undesirable ways to meet this unrealistic overall CAFE number, all of which make them less competitive in the car and light truck market.

First, they will be forced to cut vehicles from their fleets or place a production cap on certain cars, which will result in more layoffs and plant closures, I fear.

For example, if GM addresses the fairly immediate 3-mile-per-gallon increase in the light truck standard by simply eliminating its least fuel-efficient products, seven plants in five States employing 38,000 auto workers and 154,000 auto and supplier jobs would be at risk. And GM's sales volume in the light truck market would be reduced by over 1 million vehicles.

Our U.S. automakers also could be forced to strip their vehicles of features consumers want, such as engine size and power to meet this high CAFE number, giving foreign automakers that will not have to eliminate these features a huge competitive advantage.

Lastly, they could reduce the weight of cars, which will compromise vehicle safety, as has been talked about before, since producing smaller, lightweight vehicles that can perform using low-power, fuel-efficient engines is the most affordable way for automakers to meet the CAFE standards. None of these options are good for our American automakers or for our consumers.

Placing U.S. automakers at a competitive disadvantage by penalizing their most popular vehicles will lead to more layoffs and a weaker U.S. auto industry. And we certainly do not need this at this time or any time. It is apparent to all of us debating this issue that the auto industry is not at its economic strongest right now. Practically every week one of our U.S. automakers announces another round of layoffs. Over the past year, our big three automakers—GM, Ford, and DaimlerChrysler—have announced almost 70,000 layoffs and job cuts and 11 plant closures. That is 70,000 in 1 year. Our domestic automakers have already been severely weakened by the current recession. I fear that the underlying proposal to raise CAFE standards will only exacerbate this problem by placing uncompetitive restrictions on our U.S. automakers without effectively increasing vehicle fuel economy.

In Michigan, over 1 million people are either directly or indirectly employed by our domestic auto industry. While the economic impact is particularly devastating in Michigan, this is not just a Michigan issue. The auto industry is the largest industry in the

United States and creates over 6.6 million jobs directly or indirectly.

Our amendment—the Levin-Bond-Stabenow-Mikulski amendment—increases vehicle fuel efficiency without placing anticompetitive restrictions on our U.S. automakers. This amendment helps decrease our fuel consumption and dependence on foreign oil in the short term by increasing CAFE for light trucks and cars. But, most importantly, the amendment looks to the future, which is something we all want to do, and provides the market incentives and investments in developing technologies such as hybrids, fuel cells, and clean diesel vehicles that will really revolutionize the American automobile industry.

The amendment directs the National Highway Traffic Safety Administration to complete a rulemaking to increase fuel efficiency for light trucks within the next 15 months and for passenger cars within the next 24 months, but it also requires NHTSA to consider the flaws that we have been talking about today in the current CAFE system as they do this rulemaking. NHTSA would examine important issues that have been talked about, such as adverse competitive impacts of CAFE on our U.S. automakers, impacts on U.S. employment, technology costs, and necessary lead time, the effects of vehicle safety, and the effects on the environment before setting a CAFE number, not after.

The CAFE proposal in the energy bill puts the cart before the horse, I fear, and sets a 36-mile-per-gallon number before having NHTSA have the opportunity to examine all of these factors.

We need to let the experts at NHTSA do their job. NHTSA is properly equipped to address the fundamental changes that have occurred within the industry over the last several years, and to evaluate our current economic situation, technology, and capabilities regarding a higher CAFE standard.

In the past, Congress has enacted a CAFE freeze preventing NHTSA from moving forward with issuing new CAFE regulations. Now that the freeze has expired, we should not interfere with NHTSA's ability to do its job effectively.

Congress also needs to help automakers move in the right direction instead of pulling them in the wrong direction. Foreign and domestic automakers have already invested millions of dollars in developing cleaner, better technologies. These investments are starting to pay off for the American consumer.

For example, DaimlerChrysler will be producing a hybrid electric Dodge Durango SUV starting in 2003, which will have 20 percent better fuel economy than the conventional Durango, without compromising safety or comfort. A hybrid electric version of the DaimlerChrysler Dodge Ram pickup truck also will go into production in

2004. Ford is currently developing a hybrid Ford Escape SUV which will be capable of being driven more than 500 miles on a single tank of gas.

In addition to these great technological developments, automakers have been working on fuel cell vehicles which could revolutionize the automobile sector within the next 15 years. The CAFE proposal in the energy bill will force automakers to divert funding and research away from these important technological advances and make meeting these incremental CAFE increases a funding and research priority. That is a major concern of mine. They are moving in the right direction. The underlying Kerry proposal would force them to change direction to meet some shorter term goals. This CAFE proposal also locks the automakers into a rigid fuel efficiency plan for the next 10 years, setting back the progress they are making putting these important technologies into place.

Instead of placing restrictions on what our automakers produce, we should be looking for ways to help them introduce these better, cleaner technologies. The Levin-Bond amendment includes these incentives, such as Federal fleet purchase and alternative fuels requirements and a real Federal investment in hybrid, clean diesel, and fuel cell research and development—all the things we know have to happen.

The amendment requires that 10 percent of the light-duty trucks in Federal fleets be hybrid vehicles by 2007, and requires the Federal Government to use alternative fuels in all of their dual-fueled vehicles. The amendment also increases funding for the Freedom Car Initiative for fuel cell vehicles by 40 percent.

Finally, the Levin-Bond alternative includes important consumer tax credits for electric, hybrid, and fuel cell vehicles, which will be offered in a separate amendment. These tax incentives will help create and build market demand for the most efficient hybrid, electric, and fuel cell vehicles, instead of locking automakers into costly incremental CAFE increases.

I urge my colleagues today to vote for the Levin-Bond amendment and support increased fuel efficiency and a vibrant, economically healthy U.S. auto industry.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic cosponsor of the Levin-Bond amendment on these CAFE standards.

Our amendment, I believe, provides a strategy for energy conservation while safeguarding American jobs. I believe in energy conservation. I believe it is an absolute national necessity. But I also believe in job conservation—American job conservation.

I believe we can improve the fuel efficiency of our cars without sticking a knife through the hearts of our Nation's auto workers.

I believe we can do it by applying four criteria. These are criteria I know the Presiding Officer has helped develop. We need to achieve real savings in oil consumption. We need to preserve U.S. jobs. And whatever we do must be realizable and achievable. That means giving companies a reasonable lead time to adjust their production, to develop, test, road test—not laboratory test—and implement new technologies. What works well in the lab doesn't always work so great on the beltway.

We also have to create incentives to enable companies to achieve these goals. Incentives are a favorable tax policy. I don't believe the Kerry-McCain proposal meets those criteria, but I do believe the Levin-Bond amendment really does.

In terms of the Kerry-McCain language, as I understand it, it will require a 50-percent increase in CAFE standards to reach 36 miles a gallon by the year 2015, enabling the National Highway Transportation Safety Administration to combine car and truck fleets into one category. You have to listen to that. It would combine car and truck fleets into one category—that means we take apples and oranges and say that fruit salad is the same—creating a single standard for both cars and trucks that would help foreign car manufacturers and penalize U.S. automobile workers for selling vehicles that we Americans are absolutely buying.

Why would this help foreign car makers? When you look at the fuel mileage or the achievement in mileage, European and Japanese automobile companies in various categories roughly achieve the same fuel consumption standards, but foreign manufacturers sell many more small cars. They not only sell small cars, they sell microcars, those really little cars that look as if they are golf carts on wheels. Then when you include their SUVs and light trucks, their average fuel efficiency standard is lower—not because their SUV fuel efficiency standards are lower or that their light trucks are lower, it is because they sell more of these microcars. That is why they are able to comply with higher CAFE standards.

I believe we do need conservation. There is no doubt we need to reduce our dependence on foreign oil. We all acknowledge that half of our oil is imported. A quarter of our oil is imported from the Persian Gulf. We know we need to reduce our dependence. But we could do it through the kinds of recommendations made in the Bond-Levin amendment.

Before I go on to talk about Bond-Levin, let me talk a little bit about the Kerry-Hollings proposal. I know my colleagues have worked very hard on this, and we all share the same national goals. But how we get there I am not so sure is in the national interest.

First, it is unfair to American workers because it gives foreign manufac-

turers a leg up in the middle of a recession. It is arbitrary, and it is also unattainable, setting very aggressive standards on too short of a time line. And it would limit consumer choice by effectively capping the sales of light trucks. There are other ways to achieve fuel conservation.

I want to come back to the whole idea about foreign car companies producing smaller cars and that is what their customers buy. There is no doubt that Americans are buying these microcars. There is no doubt about it. They are usually younger or older or often a second car in the family. For middle-class families, though, they are not the core car. The core car is an SUV or a minivan. I will talk about that in a minute.

When we talk about, again, achieving those standards, putting everybody and everything in the same category, quite frankly, it is like putting a bagel in with strawberries, and the strawberries are lower in calories and the bagel is not, and saying, we are going to have the average of calorie consumption. Do you follow that? Or raspberries. I think a lot about this amendment—some of it is raspberries.

We need to recognize that over the past decade the U.S. car manufacturers have struggled to meet CAFE requirements across a full line of vehicles in both cars and trucks.

American consumers are really obsessed with safety. This is why many of them are turning to a larger car. The Kerry-McCain amendment does effectively cap the sale of light trucks, since the default level for light trucks is not achieved by any light truck on the road today.

Some people are talking about exempting the light trucks. I am for that. If there is a pickup truck waiver, I am going to vote for it. But very often that is a guy thing, though many women do drive light trucks. But most women are driving minivans and SUVs. A couple years ago, all we who hold elective office were very busy chasing the soccer mom. We wanted the soccer moms' vote. But while we were chasing the soccer moms, the soccer moms were chasing after car companies that made SUVs and minivans. And why do American women love SUVs and minivans? Because they need increased passenger capacity and they want increased safety.

When you are a soccer mom and you are picking up the kids or you are carpooling or have kids with gear, such as the soccer kids, or the lacrosse kids or the ice-skating kids, they come with their own gear. Some children have backpacks as large as a marine going off to Afghanistan. Those mothers need large capacity.

Do you know what else they need? They need passenger safety. They want to have a bulkier car in order to be able to protect their children on these highways and byways that we are now constructing. Anyone who rides the 495 beltway in Washington or 695 in Baltimore knows we face big trucks; we face

road rage. Mothers want to be in the functional civilian equivalent of a Humvee. Why? Because they are scared. They are scared for their children and for their safety. So they go big and they go bulk.

Do we approve of it? Would we like better fuel efficiency? The answer is, absolutely, yes. I know a lot about these minivans because General Motors makes two of them, the Chevy Astro and the GMC Safari, right in my hometown of Baltimore. Right this minute at Broening Highway in Baltimore, there are 1,600 employees working to produce these Astro and Safari vans. In 1 year they make 80,000 vehicles. That keeps 1,600 workers happy and 80,000 consumers happy.

That 1,600 sounds like a lot of jobs. In 1978, we had 7,000 jobs. We have downsized. We have modernized. We have strategized. But we are down close to 6,000 jobs.

I feel very close to these workers. I grew up 4 miles from this plant. My dad had a grocery store. People who worked at General Motors and Bethlehem Steel were not units of production or those who have to give way to displacements in the info age. They were our neighbors; they are our neighbors.

What did we know about the General Motors plant? It was a union job. We knew it offered a good job at good wages and good benefits. We knew they were good neighbors because they sponsored the little leagues and were one of the largest contributors to the United Fund to be able to help others who didn't quite have the good jobs and the good wages that they did.

For our working men, they could actually go to work and not only put in an honest day but get a fair pay back to be able to raise their families and pursue the American dream.

In my hometown of Baltimore among African-American men, when I grew up, Baltimore was a segregated town. But down there at the steel mill in the UAW line, it is where African-American men went to get a decent job. If you were an African-American male in Baltimore, you had two choices where you could have a decent job, decent benefits, and a chance to be able to move up. It was either a civil servant job, such as at the post office, or it was a union job, such as at General Motors. As more and more women came into the workplace, again, for many women, General Motors was the place to go. We employed the "Norma Raes" of automobile manufacturing.

We are talking about honest Americans who get up and work hard every day. They wanted the American dream, and they had opportunities. People with European ethnic heritage and people with African-American heritage had a chance to work hard and move up. Many of them had a chance to go on to higher education, and their children did also. But we now have these 1,600, and when this goes, it goes. When this goes, it really goes. There is nothing

else there. We can talk about digital harbor or smokestacks and cyberstacks, and we can be cute and clever; but when this goes, it goes forever.

Now, I am on this floor fighting for those people. Do you know why? Their sons are actually the ones who went to Vietnam, the ones who were in Desert Storm, and the ones who are in Afghanistan. During the Vietnam war, there was no draft counseling in that line. Every time America calls, these kinds of workers step forward. Often, their brothers are our firefighters and our police. These are the ordinary Americans who, every day, are willing to step up.

So while we are talking about hybrids, and while we can nibble at our sushi and talk about the future that is going to be ozone-ready, we have to think about who is going to work in this country and where they are going to work. Do we want to give up on our manufacturing base? I don't think so, and I hope not. Whether it is in Detroit, or Maryland, or whether it is other States that employ them—and we are happy to have the Hondas. I have a UAW plant in western Maryland that is now part-owned by Volvo. We are happy to have them because they honor their contracts.

But I think we ought to start honoring our contract. We ought to have a contract with the American workers. There is something about America we need to remember: That as we defend America from foreign foes, we need to defend America from the loss of jobs to foreign imports, or to something called CAFE, or let's put everybody in the same pot and measure the standards in the same way.

Mr. President, 1,000 workers were recently laid off at General Motors on a temporary shutdown because of a lot of this. I could go on about those workers, but I think I have made my point. Just remember, when these jobs go, they go, and they will never come back. While we are so busy putting everything on a fast track to Mexico, I will tell you that they go to Mexico first, and then they find Mexico too expensive and they go to Central America, and then they go on to China. So we have to start making some tough choices.

We could go on to talk about the other issues, but I know we also need to look at the other alternative. I believe the Levin-Bond amendment is a very sensible alternative. It really works to reduce our dependence on foreign oil, but it also insists that we look at the effect on U.S. employment; that we look at motor vehicle safety; that we look at the cost and lead time for the introduction of new technology. I believe new technologies will help us lead the way.

I think it also gives us an open-ended dodge ball kind of situation because it gives two dates and time lines to the Department of Transportation. It says we have to increase standards for light trucks in 15 months. It says for pas-

senger cars we have to have a rule within 6 months. It also separates out standards for cars and light-duty trucks. Remember, this is one of the crucial aspects of this amendment. It separates out the standards for cars and light-duty trucks. We can compete with anybody in the world. But where you have a disproportionate thing going on in the market, it renders us almost helpless.

The automakers such as DaimlerChrysler have a fleet that is roughly 70 percent light trucks, while manufacturers such as Honda have a fleet that is less than 30 percent light trucks. I believe the Levin-Bond amendment does it very well.

We need tax incentives on electric vehicles, fuel cell vehicles, and hybrid electric vehicles. Everybody likes them. I will see if they work over time. I have seen a lot of these kinds of cars come and go. Some work very well, some sputter and end up in a junkyard clutter. I don't know where they will go, but I will give them the benefit of the doubt. I want to see the technologies road tested more before they are introduced.

I know others want to speak. I believe we can have energy conservation and job conservation, innovative solutions, improved technology, and the setting of realistic goals. That is what Levin-Bond does. When you look at Levin-Bond, you see that it saves energy, jobs, and it saves lives. For those now who are speaking in the Chamber so passionately about energy independence and why it is in our national security interest, I hope we talk about trade adjustment and start standing up for steel and what we need to do to make sure we are steel-independent. I hope we have the same passion in standing up for our steelworkers. I am going to stand up for those hardhats every day any way I can, whether it is in the automobile industry, or whether it is in the steel industry, and so on.

For all of those men and women who, every day, at plant gates shook my hand—and their hands were calloused, and they would go home with bad backs and varicose veins—BARBARA MIKULSKI is on their side, and I hope the rest of the Senate is also.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I have listened with great interest to the comments now of a number of my colleagues—each of those who are the sponsors of the Bond-Levin amendment—and I have really listened with interest because the debate that I think the Senate deserves to have right now is one based on the truth, based on the facts, based on science, and based on history. I have heard some of the most remarkable Alice-in-Wonderland comments in the last few minutes that I find it hard to believe we are really talking about the same thing.

Senator BOND suggested that if we don't accept their amendment, people

are going to actually be driven into getting into golf carts—a string of golf carts—which is not a very efficient way for a family to be transported. I heard another comment that we don't want to push people into imported vehicles. Well, of course, we don't.

I just listened to a very appropriate and distinguished speech about workers in this country. I remember with great pride that moment in 1971 when Leonard Woodcock introduced me to the United Auto Workers and I was inducted as a lifetime member. I don't know anybody who runs for office in this country on a getting-rid-of-jobs platform. I don't know anybody who comes to the floor of the Senate suggesting, knowingly—and I hope not negligently and inadvertently—that a plan they are submitting is going to render Americans jobless.

I am here to defend the workers in Detroit, and in other parts of this country, just as much as anybody else. When I hear the notion invoked about who goes to fight our wars and who comes back as veterans and these are the people who work there—I know those people, and you bet I want them to keep working. I believe they can keep working. There is nothing that suggests that somebody in Detroit cannot make a better car than the Japanese. There is nothing to suggest that a Detroit worker, or one in any other part of the country, can't make a better and more efficient car than the Germans. American workers are the best workers, the most productive workers in the world. Those workers are handicapped by choices made by management.

The worker does not decide what the model is going to be. The worker does not decide which car is going to be manufactured and what the changeover date will be. They report every day and go to the floor. They punch in and make the cars that the designers and the executives give them to make, and they do it well.

I proudly drive one of those minivans. I drive a Chrysler minivan. I think it is a terrific car. It is my second one, and I hope to get another one down the road.

Mr. President, let me tell you something: There is nothing in the CAFE standard that makes me believe I will not be able to drive a minivan at any time in the future. Nothing.

What kind of scare tactic is this? Do you want to put the lie to this, Mr. President? Here it is: "Coming in 2003. The Ford Escape hybrid electric vehicle, the first high-volume, mainstream alternative to the traditional powertrain in nearly 100 years." Bill Ford, chairman of the Ford Motor Company.

Congratulations, Mr. Ford. I hope your stock goes up. I hope you will be recognized as the leading CEO in the country for starting to promote efficient vehicles.

The fact is that on its own Web site, the Ford Motor Company says: "A ve-

hicle"—I want to juxtapose this. I want to read a paragraph from an editorial in *Automotive News*. It is about the CAFE hearings in the Commerce Committee, at a time when the industry refused to discuss any notion of improving fuel economy.

I point out this editorial in *Automotive News*:

Let's get real. It's time for automakers to deal forthrightly with fuel economy issues. These are not the 1970s or 1980s or even the 1990s. To deny or refuse to admit that there is technology that can reduce fuel consumption significantly is ludicrous. The industry's credibility is at stake.

Let me emphasize, this is *Automotive News* writing that the industry's credibility is at stake. I urge my colleagues not to be intimidated by these hollow threats.

This is what Ford Motor Company says:

A vehicle that gives you all the room and power you want, but uses half the gasoline.

Half the gasoline. What kind of situation is this? I do not know how many millions of dollars have been spent in the last weeks on television advertising to farmers that you cannot farm in a compact car. Well, no; whatever. Really? I mean, what a phenomenal concept. People believe that? CAFE standards do not even apply to tractors. They do not even apply to heavy trucks now. And if we do our will in the Senate, they probably will not apply to pickup trucks. What are we talking about here?

The chart of the Senator from Michigan is a very selective chart. It does not show all the vehicles in the mix. I will come back to that in a minute.

We heard a threat about safety. We heard a reading from the National Academy of Sciences about safety. That was page 28 of the National Academy of Sciences. Let me read page 70 from the National Academy of Sciences. It says as follows:

It is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size and, therefore, without significantly affecting the safety of motor vehicle travel.

Those workers in Detroit and elsewhere, about whom we all care, can build the cars of the future. They can build a more efficient vehicle. They can build the hybrid electric SUVs with all the room and all the power one would want and twice the mileage if Detroit will choose to ask them to do so.

That is what this debate is about. It is about the future for our country in national security, on environmental issues such as global warming, and even it is about whether or not we intend to be competitive with the Japanese and Germans because, as I will show, the Japanese and Germans are building vehicles that Americans want and increasingly they are growing the marketplace in the United States.

Let me go to that for a moment, if I may. This is a chart—I do not have it blown up—but this is Toyota's North

American operation. In fact, in the last years, we reached a peak of automotive employment in the United States in 1999. We have lost a few workers in the last few years, I acknowledge that, but we did it without CAFE standards. One reason is because the companies moved some plants to Mexico. They do not tell you that.

Even while they are doing that, Toyota and Honda are moving plants to the United States. Look at this map. We have Toyota in New York; Toyota in Buffalo, WV; Toyota in Georgetown, KY; Toyota in Columbus, IN; Toyota in Princeton, IN; Toyota in Huntsville, AL; St. Louis and Troy, MO; Newport Beach, CA; Torrance, CA; Ann Arbor, MI; Freemont, CA; Torrance-Gardenia, CA; Long Beach, CA; Whitman, AZ.

The same pattern can be shown for other automakers. Now they are making something like 600,000 vehicles in the United States. What kind of vehicles are they selling in the United States, even though the Big Three continue to dominate the market? I understand that. But you have to look at trends. You have to look at the direction in which you are moving.

In 1975—and I want to go back to this because this is an important part of the context of this debate. This debate is not just about this moment in time. It has a history and we have to balance the choices we face today against the history of where we have traveled.

I want to show this chart, but let me go to the beginning. Motor vehicle miles in the personal automobile vehicle are at the lowest level in 20 years. We are going backwards in fuel efficiency.

My colleagues say: Oh, we are moving up in this direction; we do not need to have a dictate from Congress; we are going to get there because the automobile industry is going to get there without a mandate.

Let me show the record for the last years. From 1988 until the year 2001, of all the new technologies that were developed by the American automobile industry, 53 percent of those new technologies went into horsepower; 18 percent went into acceleration; 19 percent went into weight; minus 8 percent went into fuel efficiency.

We now have cars on the road that can go 140 miles an hour, even though the speed limit is 65, 70, 80 permissibly in some places. One can only go so fast between stoplights in many cities.

Minus 8 percent on fuel efficiency. I like driving a big car, too. I am just like any other American. Indeed, for a number of years, all of us have been forced to think in the defensive way that has been referred to. You see another big car on the road, you get a little intimidated and say: Gee, if I am going to protect my kids, I am going to have a big car on the road, too.

In fact, what has happened in the last years, according to the National Academy of Sciences that the Senator from Michigan quoted is that the Toyotas and the Honda Civics went from weighing about 1,800 pounds up to 2,600

pounds. The Honda Civic grew in weight, and indeed some of the other big SUVs grew also. It is true if a Honda Civic hits a big SUV, your chances of doing well in the Honda Civic are not as great. I understand that.

The older National Academy of Sciences study, which the Senator relies on when he talks about safety, did not include airbags. It did not include the new standards of restraints. It also did not include what we have in our bill, which are rollover standards, because the biggest single problem for Americans in terms of SUVs is rolling over and being crushed because we have no standard for the roof and for the roll capacity of the car. So the fact is these cars can be made efficient and safe at the same time.

They are trying to scare people with this safety standard. I heard one of my colleagues say we have to do this based on science. Well, it is based on science. It is not arbitrary. This is not a figure picked out of the sky, as one of my colleagues has said. This is a figure that is less than many scientific analysis say we can achieve.

I want to make very clear to my colleagues that this is not a vote between the Kerry-Hollings 35-mile-per-gallon standard and the Levin-Bond proposal. The reason it is not that vote is that Senator MCCAIN, Senator COLLINS, Senator SNOWE, Senator GORDON SMITH, and Senator CHAFEE have joined together with Senator FEINSTEIN and others on our side of the aisle with a proposal that alters the current Kerry-Hollings proposal. It is not my preference, but I understand the votes in the Senate, and it is what we need to do to compromise. It will reduce the standard in the bill today to about 32 miles per gallon if the full trading program is used, which I ask my colleagues to think about.

The current fleet average is about 25 miles per gallon. If we cannot go 7 miles per gallon in 13 years, what can we do? That is the vote. This is a vote whether or not we want no standard at all and you turn it over to NHTSA, which has a long reputation of being managed by administrations and by outside interests and not being able to set the standard. It is not even staffed efficiently enough today to be able to do it. The NAS is in fact better staffed and has had more background research than they have done in years, because on the other side of the aisle in 1995 Speaker Gingrich and the Republicans brought a complete prohibition on the ability of the EPA to even analyze what might be the benefits of raising the standards.

That tells you a huge story. It says what you have is an ongoing process by which the industry is fighting against whichever forum might be the least friendly to it. When Congress might do something, they say go to NHTSA if the administration has a handle on NHTSA. When NHTSA might do something, if they are in control of Congress

they say go to Congress; Congress ought to do it.

In 1989 and 1990, they specifically said, we really think NHTSA is the proper place to do this. Then lo and behold, the Republicans controlled the House and the Senate in 1995 and Andrew Card, then representing the automobile manufacturers, said, oh, no, we do not think NHTSA is the right place, contrary to what they had said for the last few years. They said, we had better go to Congress.

What we see today is an effort to congressionally implement the same kind of forum shopping for the least standard possible for the least environmental effort possible.

I want to show a little bit more of this history. My colleagues may not be familiar with the background, but let me point to some of the comments of the industry in the last years as we analyze where we are trying to go.

I also want to put in proper perspective what I said about these advertisements. In the last 3 weeks, this is what the industry has said publicly:

Make no mistake, the Senate proposals would eliminate SUVs, minivans and pickup trucks. If these proposals pass, the only place you will see a light truck is in a museum.

What they said in 1975 was:

If this proposal becomes law and we do not achieve a significant technological breakthrough to improve mileage, the largest car the industry will be selling in any volume at all will probably be smaller, lighter, and less powerful than today's compact Chevy Nova, and only a small percentage of all models being produced could be that size.

That was the threat in 1975. That was General Motors. Let me read what Chrysler had to say:

In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact-size cars, or even smaller ones, within 5 years, even though the Nation does not have the tooling capacity or capital resources to make such a change so quickly.

Did that happen? Did any of this happen?

Then Ford said:

Many of the temporary standards are unreasonable, arbitrary—

“Arbitrary,” that is a word we have heard again—

and technically unfeasible. If we cannot meet them when they are published, we will have to close down.

The fact is, the industry flourished. The industry met the standards, and more people were employed. The industry actually turned around and became competitive.

Our colleague, Senator FRITZ HOLLINGS, helped write these laws. He was in the Senate then. I expect he will be in the Chamber to talk about that experience. Senator HOLLINGS heard these same arguments, and Senator HOLLINGS said then:

I am not trying to shut you down. I am trying to save your jobs.

That is in fact what happened. I say the same thing to those workers in De-

troit about whom we care. We are trying to save jobs in America by making an industry that is so reluctant to embrace change live up to a standard that will make their automobiles competitive. In fact, the National Academy of Sciences says the cost of doing this is saved to the consumer in the gasoline savings over the lifetime of a car. The gasoline savings will save the differential in cost, in addition to which we are prepared to provide a tax credit to people who buy the efficient cars. So we can make up the difference of cost to Detroit. We can make up the difference of cost largely to the consumer if that is what we want to do. This is not a zero sum game of jobs or national security, protecting the environment, reducing our dependence on oil, and being more efficient, and reducing, incidentally, extraordinary costs to our citizens of the air quality that they breathe.

I might add, if we were to do what we are seeking to do, we would cut global warming pollution by 176 metric tons by the year 2025. There is no other effort in the United States of America that is as significantly capable of adding now to the Clean Air Act efforts already in effect than to try to join the world in being responsible about global warming. That is part of what this vote is about.

The scare tactics being used by the industry today are absolutely no different than the scare tactics they used 25 years ago, when there was a completely opposite outcome from what they predicted. Every scientific input and analysis shows you can create net jobs at no net cost to the consumer with no loss of safety. That is the finding of the National Academy of Sciences.

I would love to see a list of what consumer group in America, what environmental group in America, supports Bond-Levin. What consumer group in this country will say safety is compromised? None. Not one. Why? Because they do not support Bond-Levin.

I will tell you why. Let me read a statement from the two important automobile safety groups in America, the Public Citizen and Center for Automobile Safety, are both supporting a CAFE standard.

This is what they say: The auto industry is using an outdated, inaccurate, and hypocritical argument about safety to try to derail stronger corporate average fuel economy standards. Public Citizen and the Center for Auto Safety have long been two of the strongest voices calling for safer vehicles in the United States. We do not believe that stricter fuel economy standards must cost lives, and we know that a strong fuel economy bill can save lives by changing the nature of America's vehicle fleet.

How does it change the nature of America's vehicle fleet? Very simply: It reverses this trend where all the technology goes into horsepower and acceleration—for cars that already go

twice the speed limit—and puts some of it into weight and fuel efficiency so you actually reduce the largest weight and size. You do not have to give up any capacity within a car. A minivan will stay a minivan. It will still take soccer moms to soccer games. It can still be filled up with whatever the legal number of kids is, and dogs, and all of the paraphernalia of sports. But guess what. It will get to the soccer game costing less money. It will get to the soccer game in a way that repays the cost of the car over the lifetime and may even create greater savings, and savings when our standards for rollover and safety are adopted.

This is the most bogus argument I have ever heard in my life. The history of this issue proves it is.

Honda, in its testimony before the Senate Commerce Committee, said the following: Honda concurs with the dissenting opinion expressed in the National Academy of Sciences report that the data is insufficient to conclude any safety compromise by smaller vehicles. The level of uncertainty about fuel economy-related safety issues is much higher than stated in the record. Significantly, existing studies do not address the safety impact of using lightweight materials without reducing size, especially for vehicles with advanced safety technologies.

I might add that we specifically looked for a rollover proposal that would greatly improve the safety standard.

The other day in the Washington Post there was an analysis by the Washington Post that said the threats of the industry are false. That is the language of the Washington Post.

Although any increase in gas mileage inevitably will come at a cost—

And I have acknowledged that there is some increase in cost—

the estimates of the National Academy are \$500 to \$2,000 over the period of time.

But the notion that the bill would rid American highways of SUVs and pickup trucks, as some auto industry ads explicitly claim, is false.

I ask unanimous consent that the Washington Post article "Fuel Economy Turns Emotional" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 10, 2002]

DEBATE ON FUEL ECONOMY TURNS EMOTIONAL

With a hearty shove from Detroit, Senate opponents of a bill to raise automotive fuel economy standards—part of broader energy legislation now on the Senate floor—are painting the measure in apocalyptic terms, sketching dire consequences for the nation's armada of SUVs and minivans.

Senate Minority Leader Trent Lott (R-Miss.) calls the proposal—by Sens. John F. Kerry (D-Mass.) and John McCain (R-Ariz.)—an example of "nanny government" that would deprive him of the SUV he uses to haul around his three grandchildren.

Sen. Don Nickles (R-Okla.) whose wife drives a Nissan Pathfinder, warns that higher fuel standards will force such drastic re-

ductions in vehicle size and weight that traffic fatalities will increase "by the thousands."

And Sen. Zell Miller (D-Ga.) believes the legislation should at least make an exception for pickups, which he described as the "think tank of rural America" because "more problems have been solved on the tailgates of pickup trucks after a long day's work than have been solved anywhere."

Such emotive language is typical of the unfolding Senate debate on the legislation, which would raise average fuel economy standards for the American automobile fleet from 24 miles per gallon to 36 miles per gallon by 2015. As described by opponents, the measure is an elitist assault on a cherished national birthright that would compromise safety, limit consumer choice and impose undue hardships on Americans who have come to depend on big, powerful vehicles for work and play, especially in rural areas.

As is often the case when Washington debates policy, however, emotions and symbols are getting more attention than substance. Although any increase in gas mileage inevitably will come at a cost, the notion that the bill would rid American highways of SUVs and pickup trucks—as some auto industry ads explicitly claim—is false.

"The fact of the matter is, you might have to use some of this improved fuel efficiency to improve economy rather than increasing performance, but certainly it doesn't mean that you couldn't have an SUV," said Adrian Lund, chief operating officer of the Insurance Institute for Highway Safety and a member of a blue-ribbon panel that studied the issue for the National Academy of Sciences last year.

Paul Portney, chairman of the panel and president of the think tank Resources for the Future, called the legislation "somewhat aggressive." But he said it was "roughly consistent with what the academy identified as being technologically possible, economically affordable and consistent with the desire of consumers for passenger safety."

He added, "There are technologies out there that would make it possible, if given enough time, like 10 to 15 years, for [manufacturers] to meet these standards without decreasing the size of the cars or increasing the price too much."

Those on the other side of the debate, of course, have also been known to gloss over inconvenient data. As the legislation is structured, for example, manufacturers could choose to improve fuel economy not only by technology but also by cutting weight, which could make vehicles less safe, Lund said.

In similar vein, raising the Corporate Average Fuel Economy, or CAFE, standard would force manufacturers to divert resources into fuel efficiency at the expense of performance improvements sought by consumers, such as better acceleration or new dashboard gadgets like on-board computers and satellite navigation systems.

"There are exaggerated claims on both sides," Portney said. "It's certainly not the case that we can ambitiously boost fuel economy and laugh all the way to the bank doing it. It diverts car companies from doing things they would otherwise do."

But the trade-offs associated with higher fuel economy standards may be less burdensome than some in the auto industry, or Congress, would suggest. For example, the higher purchase cost of a fuel-efficient vehicle would likely be offset by lower gasoline costs over time.

Nor is it clear that stiffer mileage rules would compromise safety. Last month, a consulting firm hired by Honda Motor Co. reported that reducing the weight of cars and light trucks by 100 pounds would actually

improve safety, albeit by a "small and statistically insignificant" margin. The finding contradicted an earlier finding by the National Highway Traffic Safety Administration that higher mileage standards—and lower vehicle weights—had added to highway deaths.

Such nuances get short shrift in industry ad campaigns. The Coalition for Vehicle Choice, which is backed by the three major auto manufacturers, is running print ads in New Hampshire urging voters to contact their senators on behalf of "the endangered SUV and pickup." The ad shows a snowmobile blasting through a drift above the caption, "Without SUVs, you're looking at one expensive piece of garage furniture."

"Imaging climbing an icy mountain, towing your snowmobile, but instead of driving a pickup or an SUV, you're driving a compact car," the ad says. "That's what you could be forced to do, if some U.S. senators get their way."

A similar ad—paid for by groups such as the U.S. Chamber of Commerce and the National Automobile Dealers Association—shows a forlorn looking man next to an SUV, a canoe strapped to the roof and two small girls sitting on the hood. "We work hard all year so our family can go fishing and camping together," the ads says. "We couldn't do it without our SUV."

Many of those arguments were repeated almost verbatim last week on the Senate floor. Lott said the CAFE measure would rob him of quality time with his grandchildren because he likes "them to be able to ride in the same vehicle with me."

As it happens, Lott is already doing his part for conservation. He drives Honda CRV, one of the smallest and most fuel-efficient SUVs on the market.

Mr. KERRY. Mr. President, in 1972, 1973, and 1990, each time the auto industry has said: We cannot do this.

They said it about seatbelts. They said it about laminated windshields. They have said it about every single requirement, each time Congress has agreed we ought to try to do these things. This is not arbitrary. Congress has made decisions about safety, fuel efficiency.

We invited Ambassador Stuart Eizenstat to testify before our committee. In 1975, Mr. Eizenstat was the domestic policy adviser to President Carter. He was part of the team that developed the first CAFE standards. His testimony speaks very directly to this issue. I will quote from his testimony. He said: In spite of the obvious merits of the standards, the American automobile manufacturers were opposed to the regulations. I remember their opposition well. In my role as domestic policy adviser to President Carter, I was part of the team that developed the first CAFE standards. Those standards set the fuel economy levels for the period 1977 to 1985, starting at 18 miles per gallon in 1977 and rising to 27.5 in 1985.

He said: I specifically remember a meeting in the Cabinet office with President Carter and the heads of the Big Three automobile manufacturers: Ford, General Motors, and Chrysler, in which all three strongly opposed the imposition of fuel economy standards. They claimed their companies lacked the technology to reach the standard that the administration had in mind.

Does that sound familiar? Yet once the CAFE standards were implemented, all three companies met and exceeded the standards.

I can imagine the pressure you are under from those same companies and others as you consider raising the standards. But as you embark on this process, I strongly urge you to recall our experiences in developing the first set of CAFE standards. You should feel confident that the automobile manufacturers do have the ability to achieve and, in fact, surpass whatever standards you set.

I believe Ambassador Eizenstat has proven himself to be an enormously capable negotiator, and very studious, and I think most people would agree one of the most thoughtful contributors to positive dialog in the political process in this country. He said we should do this; we can do this. He testified before the committee, as, I might add, did countless other entities in this country that were affected one way or the other by the potential of this change.

Mr. MCCAIN. Will the Senator yield?

Mr. KERRY. I am happy to yield.

Mr. MCCAIN. Is it true, in the view of the Senator from Massachusetts, that various claims have been made over the past several years, particularly back in the 1970s, the last time CAFE standards were increased, in fact, these comments were tantamount to the end of Western civilization as we know it? Is there a strange similarity between those comments made in the 1970s and those made today? Has the Senator noticed that?

Let me give an example, Daimler-Benz senior vice president, from the New York Times: We are facing a radical and unrealistic proposal. The proponents are being dishonest. You cannot get 35 miles per gallon and still have sport utility vehicles and minivans.

Bill Burke, the No. 3 man at Ford, in June 1976: In a year to 18 months, I see a rising demand at the small end. It will be pretty hard for any but pint-size cars to get that kind of mileage.

Mr. Morrison, GM spokesman, said it would be virtually impossible to meet standards resembling that. We will have to tear our product line up.

In 1974, a Ford representative said before the Senate Commerce Committee, on which Senator KERRY and I serve, that CAFE will require the Ford product to consist of either all sub-Pinto-sized vehicles or some types of vehicles ranging from a subcompact to perhaps a Maverick.

The spokesman for the Alliance of Automobile Manufacturers said that if these proposals pass, the only place you will see a light truck is in a museum.

Is there a haunting similarity between those comments made back in the 1970s and today that the Senator from Massachusetts may have detected at the same time the Ford Motor Company advertises a 40-mile-per-gallon

SUV by the year 2003? Does the Senator find a certain irony in these historical perspectives on this issue?

Mr. KERRY. Mr. President, let me say to the distinguished Senator from Arizona that each and every one of those comments is just a mirror image of the comments being made by the industry today.

As I mentioned before the Senator came to the floor, I read an editorial which came from one of the automotive magazines that specifically said the industry's credibility is on the line and that they have to get serious.

I met with some of the industry's representatives. I talked to Mr. Ford on the telephone for a few minutes. I said I thought it would be good if we tried to get together and do something thoughtfully.

I asked the industry this question: Is it possible for you to agree that you could get 1 mile per gallon over the next 30 years? They absolutely refused to acknowledge they could get 1 mile per gallon. Why? Because they simply want this issue to go over to NHTSA where they believe they have the ability to have more impact and control the outcome.

The Senator's question is right on point. These are the exact same scare tactics.

The Senator from Missouri came down here and suggested that people and soccer moms will have to drive in a long line of golf carts because they could not drive their minivans. With all due respect to the Senator from Missouri, that is one of the most ridiculous things I have ever heard in my life. The fact is, Ford Motor Company has an ad showing the SUV with all the room and all the power. A soccer mom could get in it and get 40 miles to the gallon, and a minivan can drive with the same engine, or even a better one.

In Europe today, they are making diesel engines that get 40 or 50 miles to the gallon. Shame on the United States. Our automobiles aren't able to give our drivers that kind of gas savings and performance. Why not? We are anxious to try to get our cars that kind of mileage. I want a UAW worker producing that car ahead of some worker in Germany or in Japan. I want our automobile industry to be the industry that is selling those vehicles. The workers in Detroit ought to be rising up not about CAFE standards; they ought to be knocking on the doors of the executives and saying: Why aren't we building better cars, bigger cars, and cars with more improved fuel efficiency? You could build a bigger car—even bigger than the ones we have today.

Incidentally, some Suburbans, one of the biggest vehicles of all, doesn't come under the CAFE standards right now. You can buy all the Suburbans you want. You can buy a heavy duty truck that is under the exemptions.

Mr. MCCAIN. Mr. President, will the Senator yield for another question?

One of the aspects of this issue that has to some degree been ignored in our

desire for comfort and convenience for the American people is the issue of health aspects. I wonder if the Senator from Massachusetts is familiar with the problem that we have in my home State of Arizona, particularly in the valley where 3 million people reside in the sixth largest city in America. The Arizona Republic, a few days ago on March 9, had an editorial entitled "Legislature Must Attack Brown Clouds." It said:

We've always known the Valley's Brown Cloud is ugly and unhealthy. Now we know it can be deadly.

A new study indicates that years of breathing that haze of particulate pollution will significantly raise a person's risk of dying of lung cancer and heart attack.

For lung cancer, the risk is the same as living with a cigarette smoker, according to a report published this week in the Journal of the American Medical Association. The study, funded by the National Institute of Environmental Health Sciences, is compelling because of its breadth: Researchers followed half a million people across the country over two decades.

While the Valley has made strides in reducing carbon monoxide and ozone pollution, we've had trouble getting a handle on pollution from airborne particles.

No, it's not just desert dust. The most dangerous particles are much smaller, 2.5 microns or less, so tiny that it takes at least 28 to equal the diameter of a human hair. These ultra-small particles, which wreak havoc by penetrating deep into the lungs, come from combustion.

In the East and Midwest, the biggest culprits for such particulate pollution are coal-burning power plants. So it's worrisome that the Bush administration is considering changes in the rules for power plant expansion that could bring increased emissions.

Here in the Valley, as elsewhere in the West, a big part of our particulate pollution spews out of tailpipes.

I am not sure. I wonder if the Senator from Massachusetts thinks it is fair for us to address this issue of emission standards without discussing at length the abundance of information concerning health risks to the American people. I have a chart here on sources of carbon monoxide. In Phoenix, AZ, on the road, Mobile, it is 64 percent.

There is another article that I have here of February 1, 2002:

Study Links Smog To Rise in Asthma Cases of Children Who Play Outside.

Guess what States, according to this study, generally speaking, have the highest chronic pollution level in the United States. They are Arizona, California, Georgia, Indiana, Michigan, Missouri, New York, North Carolina, Pennsylvania, and Tennessee.

I wonder if the Senators from Michigan and Missouri are concerned about the fact they are on the top 10 list of pollution problems which cause health problems and difficulties to their citizens.

I wonder if the Senator from Massachusetts agrees that there are compelling health issues here that have to be addressed as a result of the fact that we failed to enact simple, fairly easy changes in our emission standards

which would, perhaps, in the case of one study, save between 650 and 1,000 lives just in Phoenix, AZ, alone.

I am curious if the Senator from Massachusetts believes that perhaps we might be neglecting an important factor in the pollution of places such as my home State of Arizona where people were once sent because they had respiratory problems. Now we have pollution problems that are causing risks to people's health. A lot of that pollution is directly related to that, as the Arizona Republic says, "spewing out of tailpipes."

Mr. KERRY. Mr. President, I appreciate the question very much. I was not aware actually of the particular study to which the Senator has referred. But I appreciate it enormously because he is absolutely correct that the health issue is one of the most important issues.

I call my colleagues' attention to the fact that the existing CAFE standards—the ones we passed in 1975—cut gasoline use. By cutting that gasoline use, incidentally, we cut almost the amount we were then importing from parts of the gulf. But we reduced the amount of hydrocarbon emissions, which is a key source of smog, and which is a key source of particulates, as the Senator from Arizona has just described, which particularly affects seniors and children. It affects all adults, but particularly we have seen an increase in the rise of asthma among children in the United States because of the quality of air that is being breathed.

Higher gas mileage cars and trucks played a key role in virtually eliminating smog in Denver, which during the 1980s, as everybody knows, had a dangerous level of pollution. Los Angeles also gained enormously. And there is a huge gain in public health for the elderly and all asthma sufferers in the country.

I thank the Senator from Arizona. He is absolutely correct.

(Mr. CORZINE assumed the chair.)

Mr. MCCAIN. Finally, I ask the Senator from Massachusetts if he will yield for another question.

Mr. KERRY. I am happy to yield for another question.

Mr. MCCAIN. I wonder if the Senator from Massachusetts would support a proposal that would force any American family to give up a sport utility vehicle. I would wonder—in fact, I am the proud owner of sport utility vehicles. I wonder if the Senator from Massachusetts would not join all of us in seeking Ford Motor Company to live up to their advertising in developing a 40-mile-per-gallon sport utility vehicle, which I would be one of the first to buy.

Wouldn't we reduce some of this rhetoric that has been going on since the 1970s on the part of the automobile manufacturers? And if my memory serves me correctly, every single step of the way—from CAFE standards, to airbags, to seatbelts—the automobile

manufacturers have said they were unable to comply, at least initially, whether it be in safety or whether it be in CAFE standards or any other improvement.

So would the Senator agree with me that if there were any prospect of reducing the options of the American people, if there were any prospect that we were doing anything other than encouraging what is mostly existing technology to be implemented by the automobile manufacturers of America, we would not be proposing this legislation?

The fact is that for every single improvement the automobile industry has made in America, they have been dragged, kicking and screaming, every step of the way. And we have just been over some of those quotes over a period of many years.

So I wonder if the Senator from Massachusetts would respond, again, to the really almost irresponsible charges that have been made, particularly by the manufacturers, about the catastrophic events that might take place, when the fact is, we support strongly the ability of Americans to have a wide choice in their use of conveyance, particularly those of us in the West who travel long distances with our families.

Mr. KERRY. Mr. President, I really welcome that question. I appreciate it from the Senator.

Let me personalize it a little bit.

I drove a Lincoln Navigator until a couple years ago. I got rid of it because of its inefficiency in fuel. I am sorry to say that. I said to the dealer: You really ought to urge the Ford Motor Company to produce a car that is more efficient.

I am proud to say Ford Motor Company is now evidently doing exactly that. I would love to drive one that had the efficiency. My wife drives an SUV. My stepson has an SUV. My daughter is currently driving an SUV.

I have no question but that if we pass a CAFE standard, each and every one of them will continue to be able to drive an SUV. We can all buy an SUV in America that is more efficient, that saves, over the life of the car, the cost of the difference of the technology.

Let me share with the Senator from Arizona that Honda has introduced its Insight. It is a two-seater. It gets about 60 miles per gallon on the highway. It is about to introduce a hybrid Civic, a two-door and a four-door, in 2002. Toyota sells the hybrid Prius. It is a four-door. It gets 48 miles per gallon combined in the United States. There is a minivan in Japan that gets nearly 40 miles per gallon. Within a few years, they are going to sell about 300,000 hybrids globally. They have announced that they are going to be profitable in this field.

I know the Senator from Michigan or some Senator is going to point out that the Ford Motor Company is going to produce at a loss this particular SUV shown in this picture I have in the Chamber. That is true for now because

they have just started it. They do not have the market penetration yet. They have not fully developed the marketing, and they have not gained the market share.

So, indeed, it is similar to the Pentagon. When the Pentagon buys only X number of hammers, as we remember, or toilets, they cost tens of thousands of dollars. But if they are mass produced, then you begin to bring the cost down, and particularly if you market effectively.

I think the first CEO in this country who sells to Wall Street the notion that they are going to be profitable selling the cars of the future is going to drive up the stock of that motor company. And they ought to be thinking about how to grab the market share in the most competitive way that is most effective in the long term.

That is what this can do. That is why Ford Motor Company is already advertising the vehicle that "gives you all the room and power you want"—all the room and power you want—"but uses half the gasoline." That is on their Web site today. They are bringing it out next year.

I am confident, with appropriate marketing, just as the Prius, just as Honda and Toyota, they can begin to get profitable very rapidly. But here is the rub: They did not do it back in 1975, until Congress said: This is our national priority. And they are not going to do it now until Congress sets a goal and begins to push the process forward. What we are reaching for as a goal is not an arbitrary goal.

I ask the Senator from Arizona, without losing my right to the floor, if I may, is it not true that we held a series of hearings in the Commerce Committee, with the best scientific experts from across the country, who came and testified before us regarding the ability to do this without losing jobs?

Mr. MCCAIN. To respond to my friend from Massachusetts, indeed they did. I also believe that since the Senator from Massachusetts and I can count votes pretty well, the opponents of what we are trying to do—let's face it, the Levin-Bond amendment basically does nothing to improve fuel efficiency, and that is a fact.

Sooner or later, we will see more and more pictures such as we have seen here in this editorial, which says: "Valley's Brown Cloud nearly obscures downtown Phoenix from atop South Mountain." You will see that in Albuquerque. We already see it in Detroit. We see it in Boston. We see more and more studies of the health risks that air pollution causes to young and old Americans.

I believe that sooner or later our constituents will demand that we rise up and repudiate and rebuke the automobile manufacturers of America, that refuse to be concerned about the health of Americans, much less the problems with our dependency on foreign oil.

And, yes, every objective observer, every environmental group in America,

believes we need to do a lot more than anything that is embodied in the Levin-Bond amendment.

I thank my colleague for his question.

Mr. KERRY. Mr. President, let me share with all of my colleagues—and I particularly call the attention of the Senator from Arizona to this—an article from the Wall Street Journal dated March 7. I ask unanimous consent the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[FROM THE WALL STREET JOURNAL, MAR. 7, 2002]

FORD AIMS TO SELL A GAS-ELECTRIC SUV THAT WILL OFFER SIZABLE FUEL EFFICIENCY
(By Norihiko Shirouzu)

DETROIT.—As the Senate gears up to debate the fuel economy of sport-utility vehicles and pickup trucks, a senior Ford Motor Co. executive said the No. 2 auto maker aims to sell “tens of thousands” of a small, superfuel-efficient Escape SUV powered by a gasoline-electric “hybrid” propulsion system.

Prabhakar Patil, head of Ford’s program that aims to launch the Escape hybrid by the end of 2003, said at an auto-industry conference here yesterday that the hybrid Escape isn’t intended as a niche vehicle. Ford sees a good chance for the vehicle to become a “mass-market vehicle,” he said.

Mr. Patil said that if it was priced today, the Escape hybrid would likely have as much as a 25% price premium over the conventional gasoline-powered Escape, which he said would put the SUV’s price tag somewhere around \$25,000. The vehicle is expected to deliver nearly 40 miles per gallon of gas in city driving.

Ford’s bullish comments about the potential of hybrid vehicles comes amid intensified jockeying in Washington over whether to significantly toughen federal auto-mileage rules.

The National Highway Traffic Safety Administration, which administers the Corporate Average Fuel Economy program, proposed extending for another four years a controversial provision in the rule that lets auto makers get extra credit for building so-called dual-fuel vehicles. Those vehicles can run either on gasoline or on so-called E85, a blend of 85% ethanol and 15% gasoline. NHTSA conceded that the “vast majority of dual-fuel vehicles rarely operate on alternative fuel”—a fact that has led critics to dub the dual-fuel provision a big loophole in the CAFE rule because it gives auto makers leeway to build more gasoline-thirsty trucks. NHTSA Administrator Jeffrey Runge said that having vehicles that are able to run on E85 “contributes to domestic energy security” and “provides consumers an alternative” in the event of a gasoline shortage. NHTSA proposed extending the dual-fuel credit, which was set to expire with the 2004 auto-model year, to the 2008 model year.

Meanwhile, in the Senate, two Democrats, Sen. John Kerry of Massachusetts and Sen. Ernest Hollings of South Carolina, are nearing an agreement with several Republicans including Sen. John McCain of Arizona on a bipartisan proposal to require cars and light trucks together to average 36 mpg by 2015, according to Senate staffers familiar with the discussion. Today, cars and trucks average about 24 mpg, the lowest level in two decades. Sen. Carl Levin (D., Mich.) and Sen. Kit Bond (R., Mo.) were finalizing an alternate proposal that would send the CAFE question to the Bush administration’s NHTSA.

The auto industry has been pushing for such a move.

Mr. Patil noted that whether Ford can turn a profit with the hybrid Escape, with its costly gas-electric propulsion system, hinges largely on whether the government offers tax incentives on such vehicles. Late last month, President Bush said he wants more tax incentives for hybrid and fuel-cell (of hydrogen-driven) vehicles. Those incentives are provided in the bill the Senate will consider.

Another Ford executive, John Wallace, said in an interview that a \$3,000 tax incentive for the purchase of a gas-electric hybrid should “solve the problem” and help make the Escape hybrid profitable immediately. “We welcome tax incentives to get there quickly,” Mr. Patil said, referring to being profitable with the Escape hybrid.

Mr. Patil said Ford is already “looking to expand hybrid offerings” beyond the Escape hybrid. Hybrids are “the first credible alternative to gasoline engines,” he said. Other auto makers are also pushing plans to expand the use of hybrid-drive technology. Masatami Takimoto, a senior Japan-based executive for Toyota Motor Corp., said at the Society of Automotive Engineers conference that Toyota hopes to sell 300,000 hybrids a year around the world within the next five years. Toyota’s second hybrid for the U.S. market will probably be an SUV. Given the popularity of SUVs in North America, “I believe it’s a good idea” to make a second hybrid product a SUV in the market here, he said. Toyota currently sells a small hybrid sedan called the Prius. The auto maker sold 15,500 Prius models in the U.S. in 2001. The only other hybrid currently sold in the U.S. in Honda Motor Co.’s two-seater subcompact called the Insight. Honda’s second hybrid, a Civic, will arrive in showrooms starting in April.

There are no tax incentives currently on either the Prius or the Insight, and neither model line is profitable in dollar terms.

Mr. Takimoto, who oversees powertrain development in Japan for Toyota, said there is a “tough battle” looming between advanced diesel engines and gas-electric hybrid propulsion systems. He believes hybrids are “proceeding a step ahead” of diesels and gasoline-powered engines.

A recent J.D. Power & Associates survey of some 5,200 recent new-vehicle buyers found “a greater willingness to pay for hybrid vehicles than previous believed,” according to the consulting firm. It said hybrids are “getting a solid green light” from consumers. The survey said 30% of the respondents indicated they would “definitely” consider a gas-electric hybrid vehicle. J.D. Power said the survey’s margin of error was plus or minus 1.5 percentage points.

Mr. KERRY. Mr. President, in this Wall Street Journal article, the headline which reads: “Ford Aims to Sell a Gas-Electric SUV That Will Offer Sizable Fuel Efficiency,” the question was asked of somebody at Ford whether they could turn a profit with the hybrid Escape—that is this vehicle shown in the picture I have in the Chamber; it is called the Escape—since it has a more costly system.

I know the Senator from Michigan is going to say, well, this costs more, and it will not turn a profit. Let me just answer that question definitively right now.

Quoting the article:

[A] Ford executive, John Wallace, said in an interview that a \$3,000 tax incentive for the purchase of a gas-electric hybrid should “solve the problem” and help make the Es-

cape hybrid profitable immediately. “We welcome tax incentives to get there quickly,” . . . referring to being profitable with the Escape hybrid.

Mr. President, we have a tax incentive from the Finance Committee. This car can be profitable immediately, according to the Ford Motor Company itself.

I think we really need to start debating reality. The Senator from Michigan has a chart there. The chart shows a number of vehicles. I have a copy of the chart right here. This is a small one of theirs. This chart has large SUV, midsize SUV, small SUV, large pickup, small pickup, minivan. It doesn’t show all the rest of the automobile fleet. It just shows the big cars. But even those vehicles may not be fairly represented here.

By not including cars, the chart excludes entire classes of vehicles, and they exclude vehicles within classes. So you don’t get an entire fair comparison. Let me give an example. At the subcompact class—this is not included here—the Honda Civic is significantly more efficient at 38 miles per gallon than the General Motors Metro which is at 32 miles per gallon, or the GM Saturn at 30 miles per gallon, or the Ford Escort at 28 miles per gallon. You get a distortion of how the fleet works today.

Secondly, the Big Three, sent the Committee charts similar to this one, and they entirely excluded compact cars in their analysis. In this class of vehicles, there are four Toyota and Honda cars: the Prius, Echo, Civic, and Corolla. They are, on average, significantly more efficient than the closest General Motors, Ford, and Chrysler cars. Toyota sells the Prius at 48 miles per gallon, the Echo at 36 miles per gallon, the Corolla at 33 miles per gallon. Honda sells the Civic at 34 miles per gallon. The closest General Motors car is the Prism at 32 miles per gallon. The closest Ford is the Escort at 29. And the closest DaimlerChrysler is the Neon at 27.

None of this is represented in the charts. The Senator from Michigan says it doesn’t make sense to have this system where you have a whole fleet, let’s divide it up into these sectors. Let’s make an attribute system if that’s what is needed. I looked at that because both technology and market mix matter. I am willing to do that, because the Senator is not entirely wrong. Right now, here in the Chamber, let’s go to a back room, divide it up into those sectors, give NHTSA the authority to divide up the classes, but let’s agree to divide it up with a goal that we are going to reach by a certain point in time. If we did that, we could all have agreement.

But they won’t agree to a goal. There is no goal in the Bond-Levin amendment, no goal whatsoever. They want to set up some criteria which can be the subject of lawsuits for years to come, turn it over to NHTSA. And if NHTSA comes up with a 1-mile-per-gallon differential, there is no expedited

procedure, no ability for Congress. All they have to do is come up with something.

It is the artful dodge. It is the great escape—not to do any disservice to the name of Ford's car. It is simply inappropriate to suggest that this does anything. The attributed system the Senator from Michigan talks about is not even in his own bill. There is no requirement that they set up an attributed system.

Why is that true? Because the industry doesn't want it. The industry likes the system they have today. And they testified before our committee that they want to keep the system they have today because the system they have today gives them flexibility. It gives them the ability to choose and to decide what fleet of cars they are going to make. If you had an attributed system, then you would be locked in to what you have to achieve in a particular class and you can't balance other sectors of your fleet against components of that class.

That is why the industry does not want it. It makes for great subterfuge here in the Senate Chamber.

Mr. MCCAIN. Will the Senator yield?

Mr. KERRY. I am delighted to yield for a question.

Mr. MCCAIN. Do you know there is going to be a response from the proponents of the legislation which has already provided some very interesting rhetoric?

I would like to ask the Senator from Massachusetts if he is aware of an article in the Washington Post on Sunday, March 10, entitled "Debate On Fuel Economy Turns Emotional." It starts out by saying:

With a hardy shove from Detroit, Senate opponents of a bill to raise automotive fuel economy standards—part of broader energy legislation now on the Senate floor—are painting the measure in apocalyptic terms, sketching dire consequences for the Nation's armada of SUVs and minivans.

It goes on to quote some of our colleagues, quotes such as "nanny government"; higher fuel standards will force such drastic reductions in vehicle size and weight that traffic fatalities will increase "by the thousands." Then the article goes on to say—I wonder if the Senator has seen it—

As is often the case when Washington debates policy, however, emotions and symbols are getting more attention than substance. Although any increase in gas mileage inevitably will come at a cost, the notion that the bill would rid American highways of SUVs and pickup trucks—as some auto industry ads explicitly claim—is false.

"The fact of the matter is, you might have to use some of this improved fuel efficiency to improve economy rather than increasing performance, but certainly it doesn't mean that you couldn't have an SUV," Adrian Lund, chief operating officer of the Insurance Institute for Highway Safety and a member of a blue-ribbon panel that studied the issue for the National Academy of Sciences last year.

I wonder if the Senator realizes how important that statement is from a chief operating officer of the Insurance

Institute for Highway Safety, a member of a blue-ribbon panel that studied the issue for the National Academy of Sciences.

Continuing from the article:

Paul Portney, chairman of the panel and president of think tank Resources for the Future, called the legislation "somewhat aggressive." But he said it was "roughly consistent with what the academy identified as being technologically possible, economically affordable and consistent with the desire of consumers for passenger safety."

He added, "There are technologies out there that would make it possible, if given enough time, like 10 to 15 years, for [manufacturers] to meet these standards without decreasing the size of the cars or increasing the price too much."

All of us are entitled to our opinion. Everybody is entitled to the rhetoric. That is one of the entertaining things about the floor of the Senate. But when you call in the experts, usually their opinions have some significant weight.

Those on the other side of the debate, of course, have also been known to gloss over inconvenient data. As the legislation is structured, for example, manufacturers could choose to improve fuel economy not only by technology but also by cutting weight.

I hope when Senators decide on this issue, they will listen to the results of scientific studies, listen to the experts who have been involved years and years, as opposed to the rhetoric we see coming out of Detroit, MI, from an organization whose credibility over the years has been sadly strained.

I wonder if the Senator from Massachusetts is aware of these individuals and these findings by a blue-ribbon panel that studied the issue for the National Academy of Sciences as short a time ago as last year.

I thank my colleague for responding.

Mr. KERRY. I thank the Senator from Arizona again. This article is a very important article. He was not here at the time, but I asked unanimous consent, and it is part of the record now in this debate.

What is very significant is that you have neutral people—and the National Academy of Sciences does not try to get into the politics; it is science, and we ought to respect that—who have said point blank that the claims of the automobile industry are false. Americans deserve something better than having some of the major corporations in America lie to them about choices we face in this country. That is what they have been doing.

To hear a Senator come to the floor of the Senate and suggest soccer moms are going to have to get into golf carts and drive down the road in a string of golf carts just defies imagination. It is incredible.

Let me point out to the Senator from Arizona—because I only showed part of the distortion of these charts—the Big Three presented a car assessment to the committee. But, again, they used highly selected vehicles when they did it. They excluded some cars in order to provide a skewed picture. The Big

Three car assessment showed the fuel economy of five different 6-cylinder cars—the Ford Taurus, DaimlerChrysler Concorde, Chevrolet Impala, Honda Accord, and the Toyota Camry. The chart showed that the five cars have similar fuel economy.

In the cars, they failed to show that the Honda Accord and Toyota Camry come with a standard 4-cylinder engine. The 6-cylinder engine is an option. The reason is, the technology they have developed allows the Accord and Camry 4-cylinder engines to offer greater performance and fuel economy—so much so that they can compete with the 6-cylinder Ford Taurus, Chrysler Concorde, and Chevrolet Impala. This is demonstrated by the fact that 70 percent of all the Accords sold are 4 cylinder. So they send you the 6-cylinder comparison, but they don't show the car in the same class. They have a smaller engine and more effective technology. Earlier, I showed the technology differentials.

In the technology, Honda and Toyota have used 4-valve cylinder technology. I might add, there are a series of technologies available now. This is very important for our colleagues to focus on. The technology exists today, according to the National Academy of Sciences. The National Academy of Sciences doesn't even take into account hybrid vehicles. It doesn't even take into account diesel injection. It doesn't even take into account fuel cells, which may come on line within the next 13 years, particularly if we pass the components of our legislation to accelerate that.

So if you include hybrid and diesel injection, 35 miles per gallon is a achievable, and more could be done. Ford is telling you that by advertising a car that can get 40 miles per gallon. There it is. It should be the end of the debate. Ford Motor Company should be ending the debate right now because they are telling us we can have a car next year that gets 40 miles per gallon, and the Ford Motor Company has told us it can be profitable right away with a tax credit.

So this is really crunch time for the Senate, I guess; this is basic choice. Are we going to support the concept that the Senate has a national security interest in saving the barrels of oil and reducing dependency on oil, especially our imports from the Persian Gulf by increasing CAFE standards over the next 15, 20 years? Do we want to vote that we ought to have cleaner air to reduce pollution, reduce global warming, reduce lung cancer, to improve the health of asthmatics and of our seniors? Do we want to vote that we can have a car that is competitive with Japan and Germany and allows our workers in Detroit, and elsewhere in this country, to continue to be employed in this Nation in a competitive industry that is moving into the future and offering America the cars of the future?

That is what this vote is about. It is a straightforward vote about the future

of our country in many different regards. I hope our colleagues will simply not be intimidated by this onslaught of money that is buying advertising time to scare Americans based wholly on some fanciful and totally distorted argument that has no basis in science and, most importantly for our debate, in truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes on behalf of the position that the Senator from Massachusetts and the Senator from Arizona have articulated and in opposition to this amendment Senator LEVIN and Senator BOND have proposed.

I want to start by asking the real basic question, which may be obvious to a lot of folks, but it seems basic to me, that is, why are we even dealing with the issue of vehicle fuel efficiency as part of an energy bill? Some people might say energy involves drilling wells, not vehicle fuel efficiency. But it seems to me there is an answer to that.

Let me get one of these charts up and I can make the point I am trying to make. This first chart, which I showed earlier in the debate on the energy bill, tries to talk about U.S. oil consumption, because we give a lot of speeches on the Senate floor about how we want to reduce our dependency on foreign oil, we want to be more efficient in our use of foreign oil, we want to consume less.

Well, this is consumption. Millions of barrels of oil are consumed per day in this country. You can see the top line is for total oil demand. The total oil demand has been going up. The line that comes down on the right-hand side of the chart is for the years 2001 and 2002. You can see that the projection for the remainder of the time covered by this chart—up to 2020, the next 18 years—for the remainder of that time oil consumption in the United States is expected to increase very substantially.

You may ask, why is it increasing so much? It is obviously increasing because of the transportation demand. When we talk about the transportation demand, we are talking about gasoline. The oil comes in, we refine it, turn it into gasoline, put it in our cars, our SUVs, and in our trucks, and that is what is driving total oil demand up and up and up. People say, well, why in the world are we importing more than half of the oil that we are consuming?

The truth is, domestic production of oil peaked in 1970. It has been going down ever since. Whether we open ANWR or not, it will continue, over the long term, to go down because we have 3 percent of the world's reserves of oil. So we need to also look—in addition to production—at consumption. That is what this chart tries to do. That is why we are dealing with vehicle fuel efficiency. We are trying to flatten out that top line, total oil demand, so it doesn't increase dramatically, and we

are trying to flatten out the transportation demand so it doesn't increase so dramatically, and that will flatten out the top line.

There is another chart I want to show to explain why we are trying to deal with fuel efficiency as part of this bill. Let me put that up. This is a chart that came out of the National Academy of Sciences study, which has been referred to so many times by Senators LEVIN, BOND, MCCAIN, and KERRY. It shows what has happened to passenger and light truck fuel economy between the years 1965 and 2000. You can see that between 1965 and about 1975 nothing happened. The miles per gallon of new passenger and light truck vehicles coming onto the market was just flat. That is the red line and the green line over at the left. They are flat. Then you see a dramatic increase between about 1976 and 1985 or 1986. You see a dramatic increase for the top line, new cars, and the next line down is new light trucks. So you can see that all of those have gone up substantially during that time period.

The real issue, and the important thing about this chart, is what happens from about 1989 until the present. The reality is that we have stagnated. There has been no improvement in this country in corporate average fuel economy for vehicle fuel efficiency since 1989. In fact, for the entire fleet, it has declined. We are actually less efficient in our use of gasoline today than we were in 1989.

That is why it is important as part of a comprehensive energy bill that we try, once again, to address corporate average fuel efficiency; that we, once again, try to put in law some requirement.

What is at stake in this amendment that Senator LEVIN and Senator BOND have brought to the floor? The underlying bill, the bill before us, sets a figure. It tries to say: Let's become more efficient, and here is the goal, here is the target, here is what we need to try to do.

Very simply, what we have in the Levin-Bond amendment is an elimination of that goal, an elimination of that target. It sets up a procedure which kicks the issue back to the administration.

The administration has been very outspoken about the fact that they oppose the provision in our bill. The President has opposed it; the administration has opposed it; the Secretary of Energy opposed it. They do not think we should be mandating anything in law in the way of improved efficiency in cars, trucks, and SUVs.

This amendment would kick it back to the administration, to NHTSA, as it is always referred to—the National Highway Transportation Safety Administration—and have them study this issue and come up with a set of regulations.

Quite frankly, when my colleague, my good friend from Michigan, Senator LEVIN, urged at the beginning of this

debate this afternoon that I read his amendment—that is always a dangerous thing to do in the Senate; very few of us read the amendments on which we vote, but I did. I read the amendment.

It has some of the most unusual provisions I have encountered in the Senate. It has what are called expedited procedures. It says, first, if this amendment is adopted, that the Secretary of Transportation would have 6 months to issue proposed CAFE regulations on passenger automobiles. Then he would have 2 years for final regulations to be issued. He would have 15 months to issue final CAFE regulations on non-passenger automobiles.

If the Secretary goes ahead and issues something in the way of regulations, then that is the end of it. It is pretty clear in the amendment. Those become the law.

If, on the other hand, he fails to meet those deadlines in 2 years from now—2 years from the effective date of the act, so perhaps if we actually pass an energy bill, that might be 2 years from this summer or 2 years from this fall—if the Secretary fails to meet those deadlines, the Congress can pass a bill under expedited procedures to override what the administration has determined.

The expedited procedures dramatically limit what we are able to do. Basically, they tell us what the title of the bill is going to be, for any bill to override the regulations; they tell us precisely that we are limited in the bill to inserting a particular CAFE miles-per-gallon number, and a year, and substituting that for what the administration has come up with, and it limits us to four amendments in the Senate, two to be offered by the majority leader, two to be offered by the minority leader, and four amendments in the House of Representatives.

I have been around here a long time, and I have never seen the ability of the Senate to amend and consider legislation in a flexible way so constrained. That is what the amendment proposes, and that is what Senators will be signing on to if they decide to support the amendment.

I urge any Senator who has an interest in the procedures of the Senate and has concern about limiting the ability of Senators to offer amendments to read the amendment in some detail.

The amendment does, as I say, eliminate any specific number. There is no number as to what CAFE standard we hope to get to in the future.

As I see it, this is something of a test in the Senate as we deliberate on these issues. The test is: Can we, as a country, as a Government, as the Senate, do anything significant to increase fuel efficiency when gas prices are as low as they are?

The last time we acted, let's face it, we acted because there was a real crisis in the Middle East—in the seventies. People were shocked into realizing that dependence on foreign sources of oil

was a problem for us. Today that is not that big a problem. One can buy a tank of gas in Albuquerque for \$1.12 a gallon. It is hard to get people worked up about the continued addiction we have to cheap gas under those circumstances. Nobody thinks too much about it.

As to the argument that soccer moms are going to be disadvantaged, the Senator from Massachusetts has talked about that.

I am persuaded that Ford Motor Company can make an SUV that is fuel efficient. They can make a pickup that is fuel efficient. Each of the other major manufacturers can do the same thing. I do believe we need to focus their attention on that as a priority, and that is what the underlying legislation is trying to do.

As to the argument that U.S. manufacturers are going to lose jobs, I think it is sad that we have lost such confidence in U.S. industry and U.S. ingenuity that we are claiming we cannot do this, this is an impossible mountain to climb, our manufacturers cannot possibly be held to this kind of enormous standard.

When President Kennedy challenged the country to put a man on the Moon, it is fortunate we were not tasking the automobile industry to do that. They would have come back, I am sure, and indicated it was just totally impossible.

The country can meet this challenge. We can produce more energy, and we have many provisions in this bill to try to do that. But we can also use the energy we have in a more efficient way, and part of that is through vehicle fuel efficiency. We need to do something significant in this area.

I hope the Levin-Bond amendment is not adopted because it does take the teeth out of the legislation in terms of any real requirement for improved efficiency.

I do not question anyone's motives. I am just telling you that the effect of it will be to essentially say: Status quo is fine; the administration can study this for a couple of years; if the President decides there is something that ought to be changed in current law, he can propose that in regulation; otherwise, Congress should back off.

That is a sad signal to send, and I hope we do not send that message. I urge my colleagues to vote against the amendment when it does come up for a final vote.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I listened to the debate carefully, and I appreciate the points that have been made by my good friend, the chairman of the Energy Committee. I remind all those who are following the debate that it is relatively easy to set targets of achievement, and in this particular bill we have set the year 2013 in which to achieve 35 miles per gallon under CAFE. We are now roughly at 24.

Our past experience with setting these kinds of goals is not very good.

The first thing that is wrong with this is, in another 10 or 11 years many of us are not going to be here, so we are not going to be held accountable, because the goals we set today and our ability to achieve them in 10 or 11 years are fraught with an awful lot of inconsistencies believed particularly on past history.

The CAFE programs have led to an increase in fleet average fuel economy from 13 miles per gallon in 1975 to 22 miles per gallon in 1987.

The 1987 fleetwide fuel economy stagnated as consumers shifted their purchase patterns to light trucks and SUVs that were covered by the lower CAFE standards.

Starting in 1995, the Congress—

Mr. KERRY. Will the Senator yield for a question?

Mr. MURKOWSKI. I prefer to go ahead with the rest of my statement. I will be happy to yield for a question upon the completion of my statement.

Starting in 1995, the Congress prevented changes in fuel economy standards for all vehicles. Such restrictions were lifted starting with the model year 2004. In 1992, the Senate marked up a bill with CAFE, I might add, and ANWR, and dropped it in conference. The only thing we got out of that was low-flush toilets. That was the trade-off: We traded off ANWR and we traded off CAFE and got low-flush toilets, some of which are not quite up to the job.

Tomorrow I will speak a little bit more about this issue. I, again, remind Members of the fallacy of setting goals and not being present to be held accountable.

We are familiar with the amendment, that it would conduct a multiyear rule-making. It would provide new spending authorizations for advanced vehicle technology research and development and that it would require the Federal Government to purchase hybrid and alternative-fuel vehicles and use alternative fuels. When combined with the considerable tax incentives for advanced fuel technology that is in the finance package, why, what we see in the Levin-Bond amendment offers a sensible way to achieve fuel efficiency gains and reduce our dependence on foreign oil. It does so in a way that would not hurt the U.S. consumer. It would not increase vehicle costs to consumers and protect American jobs as well as American lives.

By comparison, my reading of the underlying Kerry proposal would increase the cost of new trucks and SUVs by as much as \$1,200. This is according to the National Academy of Sciences. If we cannot trust them for objectivity, I do not know who we could trust.

It would limit consumer choice by forcing automakers to produce smaller vehicles that do not perform necessarily to all the consumer needs. It would lead to the loss of, as we have seen in the debate, several hundreds of thousands of jobs for hard-working Americans at a time when our econ-

omy obviously needs those jobs. It would reduce the rate of economic growth by as much as \$170 billion over the next 20 years, according to the Energy Information Administration, and cost several thousand additional deaths and tens of thousands of injuries in the coming decades.

We talk a lot about safety. Common sense dictates that a larger and heavier automobile will be safer in an accident. Yet it is clear there is no possible way to meet the drastic increase in fuel economy requirements proposed by the Kerry amendment without reducing the size and weight of vehicles. That is just a fact.

The Energy Information Administration conducted an analysis of the Kerry proposal. The EIA found the average weight of passenger cars and light trucks produced to meet CAFE standards would be substantially reduced: a decrease of 640 pounds for passenger cars and 850 pounds for light trucks and SUVs. Even with the reasonable assumptions and availability of advanced vehicle technology, this is, in my opinion, a dangerous downsizing of automobiles.

EIA's analysis suggests it is simply impossible to attain 35 miles per gallon by 2015 at any cost. That is a pretty broad statement, "impossible to attain at any cost."

To get beyond 30 miles per gallon in that same time frame, even more reduction of weight would be necessary. In study after study, safety experts have concluded that reducing the weight of vehicles leads to higher fatalities and injuries. Using the same relationship used by NHTSA in the studies of automobile size and weight, and passenger injuries, we come up with a recognition that weight reduction resulting from the Kerry CAFE proposal could very likely lead to an additional 15,000 deaths and 65,000 injuries in the next 10 years.

I find it somewhat ironic that some Members of this body who demand environmental regulations regardless, even if one person, one animal, or one plant is threatened, now stand before us with a fuel economy proposal which will undoubtedly kill thousands of American drivers in the coming years because of these lighter cars and injure tens of thousands more.

These are the same Senators who worry about the threat to caribou from exploration activities in ANWR, and I get a little befuddled. Are they the same ones who now propose what a USA Today article in 1993 called "Death By The Gallon"?

We are all entitled to our opinion, but are we somehow to believe our colleagues want us to, perhaps, put caribou first rather than put people first?

What I have behind me is a chart from the National Academy of Sciences, and I think it deserves to be quoted. This is from July 2001. A review of the CAFE program found the following:

In summary, the majority of the committee finds that the downsizing and weight

reduction that occurred in the late 1970s and early 1980s most likely produced between 1,300 and 2,600 crash fatalities and 13,000 and 26,000 serious injuries in 1993.

Mr. KERRY. Will the Senator yield?

Mr. MURKOWSKI. I will be happy to yield at the conclusion of my statement.

That is 26,000 to 52,000 additional deaths since 1980 and nearly a half a million additional serious injuries due to too-rapid increases in CAFE standards.

Why is this? Well, again we have the National Academy of Sciences, and they said it best. Again, I refer to this chart:

An increase in fuel economy is affected by a system that encourages either downweighting or the production and sale of more small cars. Some additional traffic fatalities would be expected.

EIA's analysis predicts this will happen, even as we fall short of reaching the aggressive 36-mile-per-gallon fleet average. If CAFE standards are increased dramatically over too short a period of time, automakers will have no choice but to downsize and downweight their cars and trucks to meet the standard.

Rather than choosing an arbitrary number, or Senators engaging in a bidding war for the endorsement of—well, I say the environmental lobby, because they are the ones behind this primarily—should we not instead rely on the expertise of the engineers at NHTSA to balance the competing concerns of fuel economy, passenger safety costs, and consumer needs? In spite of our efforts to generate consensus at a town hall meeting that is this Senate debate, this type of technology demands engineers who know what they are talking about.

The Levin-Bond approach lets the experts, not the politicians, determine the maximum feasible fuel economy increase. Not only does the Kerry CAFE proposal put the American driver at risk, but I think it puts our economy at risk as well. It should be obvious that technologies needed to increase fuel economy cost money and increase the purchase price of a vehicle. The EIA estimates a cost increase of \$535 per passenger car and \$961 for light trucks and SUVs to get to 30.2 miles per gallon. Without a dangerous reduction in weight, the NAS estimates a cost increase of \$690 for passenger cars and \$1,200 for light trucks and SUVs to reach 30.5 miles per gallon.

If the Kerry proposal is adopted, I think Americans can look forward to getting less car for more money. EIA projects that passenger car horsepower will decline by 24 percent and light truck horsepower, approximately 18 percent. Smaller, less powerful vehicles with fewer features, this is not what the American consumer wants.

That is not reflective of the standard of living we have in this country. Families, especially those with children, want larger and safer vehicles, and most drivers want utility and comfort as well.

Under the Kerry proposal, automakers will be unable to produce minivans and SUVs large enough to meet the needs of the average American family. It is not just families and SUVs. What about a farmer who needs to haul hay? Will he buy a pickup truck with a 4-cylinder engine? Certainly not. What parent driving a carpool will be willing to make multiple trips to pick up half a dozen kids after school? What recreation enthusiast will buy a truck or SUV that will not tow a boat or RV on a weekend vacation? What construction worker, laborer, or contractor will buy a vehicle that requires several trips to haul tools and materials? Without choices for new vehicle purchases, consumers will be far more likely to hold on to their existing vehicles, thereby making fuel economy gains even less and less likely and increase our dependence on foreign oil. The end result will be somewhat catastrophic to our already struggling U.S. auto industry.

The Kerry proposal reduces auto sales by 220,000 in 2010 and 604,000 in 2015. Automakers will also suffer stiff fines, up to \$40 billion over the next 20 years for failing to meet new CAFE standards.

Fewer sales suggest reduced profitability. This adds up to fewer jobs. EIA suggests job losses of 207,000 in 2010 and 435,000 in 2015. Shouldn't a good energy policy create jobs rather than destroy them and put people out of work?

This chart shows jobs in the United States auto industry through the country. In Texas there are 318,000. New Mexico has 21,000. Massachusetts has 117,000. Need I say more?

America's auto industry drives the economy in all 50 States, including my home State of Alaska. The automobile industry is one of the Nation's largest, 6.6 million jobs directly or indirectly created. For every autoworker who loses his or her job, seven others are lost in related industries: Steel, iron, textiles, plastic, and so on. Certain States, some whose Senators support this amendment, would be hardest hit. In Michigan, over a million; in Ohio, half a million; in California, 492,000; in Illinois, 312,000; in New York, 274,000. Imagine factories shutting, whole towns wiped out, all the jobs in any of these States eliminated overnight—moved overseas, as foreign automakers gain an increasing share of the U.S. automobile market.

We have quotes from labor businesses, safety experts, and so forth. It is no small wonder that the American workers, the United Auto Workers, AFL-CIO, the American Iron and Steel industry, oppose the Kerry proposal. So does the American Chamber of Commerce, American businesses, the Business Roundtable, the Associated Builders and Contractors. They support Levin-Bond as a way to improve fuel economy without sacrificing hard-working American jobs.

The United Auto Workers say:

It [Kerry-McCain] calls for excessive, discriminatory increases in CAFE standards

that would lead to substantial job loss for American workers in the auto industry.

The Chamber of Commerce:

The proposal would dramatically affect the functionality and performance of vans, pickup trucks and sport utility vehicles that businesses and consumers rely upon.

The AFL-CIO:

The proposed increase is too high and too quick, exceeding even the most optimistic projections by the National Academy of Sciences.

And finally, the Insurance Institute for Highway Safety:

Any fuel conservation measure that increases the use of light cars will do so at a cost of unnecessary crash deaths and injuries.

That is the analysis, Mr. President.

And now national security. If it was clear that the Kerry CAFE proposal would guarantee energy independence or substantially reduce our need for foreign oil, we might be willing to bear its harsh costs. The reality is, CAFE standards have provided few, if any, of the security benefits promised by the proponents. There is little reason to believe that further increases in CAFE will provide any national security benefit.

The CAFE program was introduced 25 years ago with the intention of reducing U.S. oil imports and consumption. Yet today we import more foreign oil than ever and our gasoline consumption is at an all-time high for a very simple reason. We have a high standard of living in this country. We have no other mode of transportation to generate movement of individuals other than oil. The world moves by oil. America moves by oil. The planes do not move in and out of here on hot air.

The reasons are simple. While passenger car fuel economy has doubled and light truck fuel economy has increased by over 50 percent, the CAFE program has had no effect on any other factors that determine our transportation fuel use: the size of the vehicle fleet, which is dictated by our population; how vehicles are driven, including vehicle miles traveled in a calendar year; and the kind of vehicles consumers call for.

In each survey of consumer preferences, safety, performance, comfort, and utility rank above fuel economy in determining what vehicles are preferred. Automakers currently offer 50 different vehicle models that get 30 miles per gallon or better, but the 10 most fuel-efficient vehicles make up only 1½ percent of the sales.

This suggests that the American consumer is making a determination of his or her choice and that choice is not made necessarily on fuel-efficient vehicles but on other considerations: Safety, comfort, and so forth.

As we look at this chart which shows passenger car and light truck sales by State, we can see the States whose 2000 new light truck registrations are 60 percent or over are in the green. These are the western areas that have to drive farther. The blue States are those

whose 2000 new light truck registrations are 50 to 59 percent, and the others are States where new light truck registrations are 49 percent or under. In 36 States, consumers favor light trucks. That is just the harsh reality between passenger cars and light trucks.

Again, it is a matter of choice. Consumers have voted with their wallets. Sales of light trucks and SUVs surpass sales of passenger vehicles in 36 out of 50 States. In 1980, light trucks and SUVs comprised only 17 percent of sales, and now they are more than half. Consumers have chosen performance and features over fuel economy and fuel savings. Analysis suggests this trend will continue.

Even with CAFE, petroleum demands are expected to increase by 25 percent to more than 25 million barrels per day in the year 2020. The actual petroleum saved by higher CAFE standards, according to EIA, is roughly 1.3 million barrels per day, about the same as we can produce from ANWR during the same period. While production of domestic oil from ANWR and Alaska would obviously reduce foreign oil imports, higher CAFE standards may not. Instead of reducing the need for crude oil, high CAFE standards reduce the needs for gasoline and diesel. Rather than reduce our dependence on Persian Gulf crude oil, higher CAFE standards would reduce the needs for import of these products primarily from Canada and the Virgin Islands. Clearly, the national security threat due to our dependence on Middle East oil remains, even with CAFE.

Finally, by fostering the use of advanced vehicle technologies, expanding alternative fuel use, the Levin-Bond approach to fuel economy will reduce our dependence on foreign oil, create hundreds of thousands of new jobs, protect American families and workers from injury or death, provide consumers with vehicle choice they need, and increase economic growth.

In contrast, in my opinion the dramatic and ill-advised increase in CAFE standards proposed in the underlying bill will hardly make a dent in our imports of foreign oil and do nothing to ensure our national security, throw hundreds of people—thousands of people—on the street, out of work, and lead to tens of thousands of new deaths and crippling injuries on the roads of America; deprive workers and small businesses of their vehicles they need to go about their daily lives, and potentially make the difference between economic growth and prosperity or economic gloom and recession.

Clearly, the Levin-Bond amendment is a better way forward to truly improve the economy. I intend to vote for it, and I encourage my colleagues to do the same.

I would like to show one chart in conclusion. This was as a consequence of our discussion earlier about what a difference the increase in domestic production means relative to our overall

consumption. I want to go back and show what happened to the Alaska production, represented by the blue line, from 1973 to 1999—clear across the board.

During this period from 1973 to 1999, you see the production of Alaskan oil in blue starts and goes up and comes across. The interesting thing is something happened in 1977. You see that big jump that occurs? What happened is we came on line with Prudhoe Bay. It made a tremendous difference.

What happened in the red chart when we did that? This is what we were importing in the early 1970s. We were importing somewhere in the area of 6 million barrels a day. It suddenly dropped. It dropped dramatically because we increased domestic production in this country.

I am tired of hearing arguments that say, if you bring on oil from ANWR, it will not make a difference. It will make a dramatic difference, and this is proof.

What did we bring on at that time? We brought an additional 2 million barrels on line. That is what we brought in during that period, right in there. When you see the significant drop in the red line, that is why it happened. If we can open up ANWR, we will see the same drop in imported oil. It will not relieve us, but it will make a difference.

I yield for a question to my friend from Massachusetts.

The PRESIDING OFFICER (Mr. REED). The Senator from Massachusetts.

Mr. KERRY. Has the Senator finished?

Mr. MURKOWSKI. Yes.

The PRESIDING OFFICER. The Senator from Alaska yielded for a question to the Senator from Massachusetts.

Mr. KERRY. If the Senator has finished, I want to claim the floor, and then I will ask a question, if I may.

Mr. MURKOWSKI. I will be happy to respond to the question now.

The PRESIDING OFFICER. Does the Senator from Alaska yield the floor?

Mr. MURKOWSKI. No, but I will be happy to yield for a question.

Mr. KERRY. Mr. President, I will ask the Senator a number of questions, if I might.

First, the Senator quoted a study. It is the EIA study. The Senator quoted a study and suggested the study says you cannot reach 35 miles per gallon.

Is the Senator aware that the study did not analyze the Kerry-McCain substitute at all, which seeks to get 36 miles per gallon but with a cushion for trading? Is he aware that was not even analyzed?

Mr. MURKOWSKI. Yes, this Senator was aware of that. We asked for an analysis of the bill as it was at the time of our request.

Mr. KERRY. So in effect we have a proposal on the floor that the study of the Senator does not address at all, or we will have a proposal.

The second question: Is the Senator aware the model he referred to is not a

fuel economy model, it is an economic model of the U.S. energy system which has a series of statements about pricing and efficiencies that it does not take into account?

Mr. MURKOWSKI. Account, if I may, of what?

Mr. KERRY. Specifically, I quote from the study. The study says that predicting energy prices depends on events that shape energy markets that are "random and cannot be anticipated."

Mr. MURKOWSKI. That should not prevent us from trying to predict future events, should it? I would say that statement, in general terms, is consistent with the reality that the price of fuel is primarily controlled by OPEC through their cartel and they have set a floor and set a ceiling. The floor is \$22; the ceiling is \$28. They have exceeded that. Any time they have fallen below that, they have quickly reduced the supply and the price has gone up. So that is what controls the price of fuel in this country. It is OPEC.

Mr. KERRY. But it did not take into account what the benefits might be if, in fact, that happened again and we went back to the 1973 situation. So in effect the study does not take into account the potential of that major price differential.

But much more important, is the Senator aware that the list of technology on which the assumption is based, that you cannot meet 35 miles per gallon, is a very different list from the list of technology available under the National Academy of Sciences? And is the Senator also aware that the study assumes that you include all 8,500-pound vehicles, which we do not include? So if you take out the 8,500-pound vehicles, the study of the Senator is completely inapplicable.

Is he aware of that, that we do not have 8,500-pound vehicles in our proposal?

Mr. MURKOWSKI. I don't think the Senator from Massachusetts has offered his bill as yet, so we do not know what is in it. What we do know is the EIA's projections are not statements of what will happen but what might happen, given known technologies, current technology, demography, and the trends in current laws and regulations. We had EIA analyze the proposal as it was at the time of our request, several weeks ago, and before the Senator from Massachusetts made his changes.

I find the argument the Senator from Massachusetts makes on technology to be interesting: on one hand, he is suggesting the technology is likely to occur for vehicle efficiency, but, on the other hand, I am promoting ANWR, saying technology advancements will allow us to do it safely. He dismisses technology on one hand and promotes it on the other. I happen to believe that technology is applicable in both areas.

But what I find objectionable is the idea of setting a goal in the year 2013, or thereabouts, and not being held accountable. It is very easy for Members

to say let's go ahead and vote for the 35 or 36 miles per gallon, because we are not going to be here to be held accountable for it. The experience we had has been disastrous, relative to meeting these goals, because obviously the American public has a certain concern about what they want to buy. It is associated with a standard of living. It is associated with the advancement, obviously, in technology.

Mr. KERRY. Let me say to my friend from Alaska, first of all, I would ask him to speak for himself as to whether or not—I know he does not intend to be here in 12 or 13 years, but a lot of other of my colleagues do.

Second—

Mr. MURKOWSKI. I just might be here.

Mr. KERRY. If I may say to my friend from Alaska, who may be—on this subject of this technology—I completely accept the technology. I am not arguing about the technology availability in Alaska. That has nothing to do with the Alaska argument. It is a question, not about technology, it is a question about good energy policy. That is another debate. It will happen in the next few days. But I say to my friend from Alaska, with respect to technology, these are technologies that are currently available. They are not taken into account in the study.

The National Academy of Sciences has listed these technologies. The study he cites does not even take into account hybrids.

My friend from Illinois has a chart over there—I had it over here earlier—that shows what can happen with hybrids. You bring a hybrid SUV on line and you get double the mileage. The study doesn't even take that into account.

Mr. MURKOWSKI. Let me respond to the last question, if I may. The same National Academy of Sciences study on which the Senator bases his legislative proposal, with new technologies, has estimates of cost and impact as in the EIA study. I think what the Senator is suggesting is the use of additional technologies which EIA believes are not necessarily cost efficient.

Higher CAFE standards means higher costs. Data from the National Academy of Sciences make this clear—\$690 more for passenger cars at 33.5 miles per gallon, and \$1,260 more for light trucks and SUVs at 27.5 miles per gallon in 2015. The Energy Information Administration clearly says cost is going to be higher—\$535 for passenger cars and \$961 for light trucks and SUVs.

The Senator from Massachusetts can argue the point, but I suggest he argue with the National Academy of Sciences or EIA.

Mr. KERRY. Mr. President, again there is nothing to argue about with the National Academy of Sciences because they did not take it into account either. But they acknowledge it. They acknowledge they did not take into account hybrids. My colleague has not answered the question.

Mr. MURKOWSKI. The question is a matter of choice for the American public in purchasing these hybrids. They can purchase them now. You can go out and get a car that gets 50 miles per gallon if you wish.

Mr. KERRY. Mr. President, I appreciate the Senator mentioning \$1,200. That is an accurate statement of the upside cost that is talked about in the National Academy of Sciences report. They also talk about the low side of \$500—so, \$500 to \$1,200. I accept that. He is absolutely correct. It will cost a little bit more. But what he doesn't say and what they never say is that the savings in gasoline over the life of the car pay for the cost. Moreover, we are prepared to give a tax credit.

Is the Senator aware that Ford Motor Company executive, John Wallace, said in an interview that with a \$3,000 tax incentive for the purchase of the gas-electric hybrid, that would solve the problem of profitability and they would be profitable immediately with the Ford Escape? Is the Senator aware that Ford Motor Company says they can be profitable immediately with the tax credit which we are going to pass?

Mr. MURKOWSKI. I wonder if the Senator from Massachusetts is aware that in order for the car to basically amortize the cost of saving gasoline, the individual would have to keep that car about 14 years. The American public is not of a mind to keep a car that long.

Mr. KERRY. That is not my question. With a tax credit, is it profitable immediately?

Mr. MURKOWSKI. One could argue that it is profitable because a tax credit is a subsidy.

Mr. KERRY. That is only to bring it on line. The Senator said you can't be profitable.

Mr. MURKOWSKI. I quoted the National Academy of Sciences, and the Senator from Massachusetts is arguing the point that it wasn't included in his particular amendment.

Mr. KERRY. Actually, the National Academy of Sciences—I have the report right here—says specifically that without the cost, without loss of jobs, and without loss of safety, you can have a car that increases fuel efficiency up to 37 miles per gallon. That is what the National Academy of Sciences says. They don't tell you you have to do that, but they say you can do it. It is technologically feasible today. So you can, in fact, do that.

Mr. MURKOWSKI. I think the Senator from Massachusetts has to be careful in his generalities because the Ford Escape isn't a real SUV. I understand its towing capacity is only 1,000 pounds. That means you can't really tow your boat to where you are going to launch it because it is simply not heavy enough, if indeed it can only tow 1,000 pounds.

The Senator from Massachusetts can argue the point. But it is either fact or fiction. Is the Ford Escape a real SUV, or a mini-SUV, and is it limited to a certain load area?

Mr. KERRY. Mr. President, let me say to the Senator that is their first report. Let me say that over the course of the next 15 years, given the technologies that are available to us, you have the reliability to bring on line a car that can tow any size boat, and the vehicles you need for that fall outside the CAFE standard because of weight—this perfect capacity to have all the towing you want, all the carrying capacity, and all the lift capacity and still drive a more efficient vehicle. But I also want to ask the Senator—he said we are going to lose safety. I want to have the Senator from Illinois have a chance. He mentioned safety.

Mr. MURKOWSKI. Mr. President, I have the floor, as the Senator from Massachusetts is aware.

Mr. KERRY. Mr. President, if I may, the Senator said we will lose the safety. He quoted the National Academy of Sciences. Is the Senator aware that the National Academy of Sciences said specifically on page 70 of the report that it is technically feasible and potentially economic to improve fuel economy without reducing vehicle weight or size, and therefore without significantly affecting the safety of motor vehicle travel?

Is he also aware that the most important entities in this country with respect to safety—Public Citizen and the Center for Auto Safety—are both opposed to the Levin amendment and support the effort to have CAFE standards for a safety basis?

I want the Senator to hear this, if I may.

Mr. MURKOWSKI. I assumed the Senator from Massachusetts was going to ask me a question.

Mr. KERRY. I asked the question. I want to supplement the question. I want to see if the Senator is aware of this finding. This is Public Citizen:

The industry's primary support for its position comes from a highly controverted study by the National Academy of Sciences, which, in turn, based its conclusions on research by Charles Kahane of the National Highway Traffic Safety Administration.

The data used in the study are from 1993 and, therefore, fails to reflect advances in passenger protection, such as dual airbags and head injury protection.

The study misleadingly held crashworthiness protection constant, despite the fact that many lives could be saved by design changes and cost-effective safety improvements.

Mr. MURKOWSKI. I would be happy to respond.

Mr. KERRY. There are additional findings. In fact, the finding of the National Academy of Sciences is that it would not affect safety. That is, in fact, the current finding.

Mr. MURKOWSKI. If I may respond, this comes from the National Academy of Sciences. It reads as follows:

Contrary to recommendations, the NAS report says that the proposal establishes both unreasonable targets and unreasonable time-tables.

According to the NAS report, technology and changes require a very long

time to be introduced into the manufacturer's product line, which I think paraphrases what the Senator from Massachusetts said because he said it will take time for the minivan, if you will, to evolve into what we would all like, and that is a multipurpose minivan.

They further go on to say that technology changes require a very long time to be introduced. Any policy that is implemented too aggressively—that is, too short a period of time—has the potential to adversely affect manufacturers, their suppliers, their employees, and consumers.

The NAS report says further:

But it is clear that there were more injuries and more fatalities than otherwise would have occurred had the fleet in recent years been as large and heavy as the fleet of the mid-1970's.

Those facts are on the basis of experience.

To the extent that size and weight of the fleet have been constrained by CAFE requirements, the current committee concludes that those requirements have caused more injuries and more fatalities on the road than would otherwise have occurred. Recent increases in vehicle weight, while resulting in some loss of fuel economy, have probably resulted in a reduction of motor vehicle crash deaths and injuries.

This is in the NAS report, page 2-29.

Mr. KERRY. Mr. President, the Senator hasn't answered my question. I agree with that. I know exactly what they say with respect to that. But he hasn't acknowledged that the findings of Public Citizen and the Center for Auto Safety point to the fact that the analysis on which the conclusion was based is flawed because it is not based on current safety capacity. It is not based on dual airbags. It is not based on lighter materials. It is not based on new technology. It is based on what happened in the transition. I want to explain why it happened.

Mr. MURKOWSKI. Isn't it based on a historical evaluation of what has happened? And so it is factual in relationship to actual statistical information.

Mr. KERRY. Let me again say what it relates to.

Specifically, the data used in the study is from 1993—not 2002. It fails to reflect the changes in passenger protection. It doesn't reflect dual airbags. It doesn't reflect what we have in our bill, which is rollover safety. Ten thousand people lost their lives last year because SUVs roll over. They have a 75-pound roof. The car is so heavy that it crushes them. The industry has resisted that protection. For a small cost, you could save those 10,000 lives.

That is in our bill. It is not in their bill.

Mr. MURKOWSKI. Is that portion in the bill?

Mr. KERRY. Yes. This is in our bill. It is introduced. It is on the floor now. You are about to strip it. But that is what is here.

Mr. MURKOWSKI. That is not my understanding. I would appreciate the Senator from Massachusetts advising us just where specifically that is.

Mr. LEVIN. Will the Senator from Alaska yield for a question?

The Senator from Massachusetts is taking the NAS study.

Mr. MURKOWSKI. I noticed that.

Mr. LEVIN. In the same breath, the Senator from Massachusetts says NAS found an increasing safety standard, and that his proposed level will not affect safety. There was no such finding by the NAS.

Would the Senator from Alaska agree?

Would the Senator from Alaska agree that when the NAS said that it is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size, and, therefore, without significantly affecting the safety of motor vehicle travel, they were not talking about increasing fuel economy to the Kerry level?

Mr. MURKOWSKI. That is correct.

Mr. LEVIN. They were just simply saying, it is possible to increase fuel economy. You might be able to increase fuel economy by 1 mile per gallon without affecting safety. They did not reach a conclusion there. This line has been quoted—

Mr. KERRY. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Alaska controls the time.

Mr. LEVIN. Mr. President, I am asking the Senator from Alaska a question.

Does the Senator from Alaska agree that the National Academy of Sciences does not specify what increase in CAFE would be possible in a way which does not affect, in a negative way, safety? Would the Senator from Alaska agree with that?

Mr. MURKOWSKI. Absolutely. That is my understanding.

I ask the Senator from Massachusetts, is there a committee report on the proposal, the Kerry proposal? And has the Commerce Committee given any views on the proposal?

Mr. KERRY. No. Mr. President, no there is none.

Mr. MURKOWSKI. Is there a reason why that has not occurred?

Mr. KERRY. Because we ran out of time. The leader made a decision that there was not time for the committee to act. There, clearly, would have been a majority in the committee, but we did not have time because of the schedule of the Senate. And the majority leader made a decision to try to meld it with the energy bill in order to keep his commitment to you, I believe, to bring the energy bill here at the appropriate time after the recess.

Mr. MURKOWSKI. Well, as the Senator from Massachusetts knows, the leadership has seen fit to basically go around the committee process because the Energy and Natural Resources Committee has not met in a markup since October. We had no opportunity to address amendments and bring in debate and develop a consensus. That is why I think it is unfortunate that so much of the process we are going

through now is a matter of educating Members. Because it did not occur in the Commerce Committee, it did not occur in the Finance Committee, and it certainly did not occur in the committee of jurisdiction, the Energy and Natural Resources Committee because the majority leader saw fit to pull it from the committee in October.

I think the Senator from Massachusetts is well aware of why it was pulled. It was pulled because we had the votes to vote out an ANWR amendment, which would have put us in a position, as we debate the energy bill, of not having to come up with 60 votes, as the Senator from Massachusetts has threatened in his filibuster statement that he is going to filibuster the ANWR amendment.

But from the standpoint of equity and fairness, what we have not had an opportunity to do within the Energy Committee is to have amendments come up, develop a bill, and vote it out. And it was done for one specific reason. And it was done very early. This was done back in October. So we did not work, in the Energy Committee, on a bill so that we would have a consensus of both Democrats and Republicans as we address some of these complex issues.

So from the standpoint of not having time, we are all in the same boat, only I think it is fair to say the Energy Committee really took it in the shorts, if you will pardon the abbreviation.

Mr. KERRY. Will the Senator yield for a question?

Mr. MURKOWSKI. For a question.

Mr. KERRY. Mr. President, I ask the Senator, in his memory here—he has been here quite a while—is it not fair and accurate to say that when the Republicans were in control, the majority leader, on a number of different occasions, did exactly the same thing? Is that fair?

Mr. MURKOWSKI. I am so pleased the Senator from Massachusetts—

Mr. KERRY. Is that accurate?

Mr. MURKOWSKI. Has asked that question because it is totally inaccurate. The Republican majority leader—

Mr. KERRY. Is totally inaccurate?

Mr. MURKOWSKI. Has never ever taken away—

Mr. KERRY. Never circumvented?

Mr. MURKOWSKI. May I finish the answer—has never ever taken away the function and responsibility of the committees to meet.

Mr. KERRY. That is not what I asked.

Mr. MURKOWSKI. If the Senator will look up the RECORD, they have never seen, in the 22 years I have been here, an occasion where the majority leader has absolutely forbid the committees to meet. The Republican leader may have moved bills without going through the committee, but never, never, never. So there is a difference. There is a significant difference here.

This is a usurping of the committee process and function by the dictate of

the majority leader because he knew we had the votes to vote out ANWR. That is what is so undemocratic about this process.

Is the Senator from Massachusetts willing to give us an up-down vote on ANWR?

Mr. KERRY addressed the Chair.

Mr. MURKOWSKI. I am asking the question.

Mr. KERRY. I am going to answer. I am asking recognition to be able to do that, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska controls the time, and I believe he has yielded to the Senator for the response.

Mr. KERRY. Mr. President, I would be delighted to answer the question. And, at the same time, may I say to the Senator, look, my question to him was whether or not a majority leader on the other side has circumvented. I did not ask him whether they met or not.

Mr. MURKOWSKI. Because he has never done it.

Mr. KERRY. And he has circumvented.

Mr. MURKOWSKI. He has never done it by pulling the authority—

Mr. KERRY. But he has done it.

Mr. MURKOWSKI. Of the committee of jurisdiction away from the process going on in the committee or forbid the committee from even holding markups for fear they would be somewhat confrontational.

Mr. KERRY. Mr. President, I can't speak to the question of methodology. I simply am asking about the result. My result answer is affirmative.

Mr. MURKOWSKI. If the minority leader were here, he would cite the specific differences. The Senator from Massachusetts can either accept my explanation or not. But factually, what happened is that the committee was forbidden to address any business before the committee. So we have not had any markups. We have not had opportunities to offer amendments.

That did not occur in the Commerce Committee. You had a process. He finally pulled it. It did not occur in the Finance Committee because he finally pulled it. But in the Energy and Natural Resources Committee we were simply forbidden, and that was it.

Mr. KERRY. Mr. President, I think that the assistant majority leader may or may not have a better history of that than I do, but I just want to say something. With respect to—I ask the Senator from Alaska about this. The other day, in the Washington Post, Paul Portney, who is the chairman of the National Academy of Sciences panel that the Senator referred to—and he is the president of the think tank—said that what we are proposing in our bill is—I am quoting—"roughly consistent with what the Academy identified as being technologically possible, economically affordable, and consistent with the desire of consumers for passenger safety." Is the Senator aware that the chairman of the panel signed off on that?

Mr. MURKOWSKI. I thought the Senator from Massachusetts was going to respond to my question; which was, Is he going to allow a 50-vote on ANWR? I don't think he addressed that.

Mr. KERRY. I will. Mr. President, let me say pointedly, I have been here now for 18 years. And in the 18 years that I have been here, as the Senator from Alaska knows, there are certain kinds of issues that rise to such a level of both emotional as well as substantive quality and contest that they always require 60 votes.

I have seen time after time on both sides of the aisle—it is just the difficulty here—if you have a contested issue, that is significantly contested on both sides, almost every time here it does not happen unless one side or the other musters 60 votes. It may be regrettable, but many people believe that is one of the great protections of the Senate, so we do not rush to do things that we regret or even as a way of protecting the minority. It is what our forefathers put in place. And I have said that I will exercise that privilege afforded us by the rules of the Senate. And that is what I intend to do on that subject.

Mr. MURKOWSKI. I am glad that the—

Mr. KERRY. May I say, it is not with any disrespect for the Senator from Alaska. I admire his tenacity. I know this means a great deal to him. We just happen to differ. And I think it is an issue that has to be resolved with those 60 votes.

Mr. REID. Will the Senator yield?

Mr. MURKOWSKI. If I may respond to my friend from Massachusetts.

To suggest that we do not want to move into these things too rapidly, this issue has been before this body for many, many years.

Mr. KERRY. I agree.

Mr. MURKOWSKI. It is not a movement of rapidity. We passed opening ANWR in 1995, as the Senator from Massachusetts will recall, and it was vetoed.

Mr. KERRY. Let me say to my friend, I am not saying rapidly. I am saying that sometimes applies.

Mr. MURKOWSKI. It was vetoed by President Clinton. Had we proceeded with it at that time, we would now know what we had. And I think that the Senator from Massachusetts has forgotten one thing. On matters of national security—and certainly national security is an issue, as we look at our situation with Iraq, our dependence on imported oil from Saddam Hussein, the fact that we are enforcing a no-fly zone, risking the lives of men and women—on September 11, we were importing over a million barrels of oil a day from Iraq. We are threatened now relative to the exposure of terrorism from that part of the world. And the Senator from Massachusetts has chosen not to let 50 percent of the Senate make a decision on a matter of national security. He has chosen on his own to filibuster something that has

never been done in my understanding of the traditions of the Senate on a matter of national security.

This is what the ANWR issue is. It is the national security of our country because, obviously, as the Senator from Massachusetts knows very well, when there is a shortage of oil, the price goes up. The Senator from Massachusetts would recall in 1973, when we had the Arab oil embargo, when we had the Yom Kippur War, we were 37-percent dependent on imported oil. Today we are 57- to 58-percent dependent. What happened in 1973, we had gas lines around the block. There was frustration. People were blaming government.

I would hope this never happens again, but if it does, I suggest the Senator from Massachusetts will have to reflect on the attitude he proposes to take.

On national security items, it is uncalled for to try to establish a filibuster to reflect an individual and a particular group that has milked this issue for virtually all it is worth. I am talking about America's extreme environmental community.

There is absolutely no evidence that ANWR can't be opened safely. And the residents of my State of Alaska happen to support it. The Native residents of Kaktovik, the area that is affected, support it. ANWR can be on-line in a relatively short period of time. It can mean as much in oil coming into this country and being produced as Prudhoe Bay did. That was 20 to 25 percent of the total crude oil produced in the United States for the last 27 years.

Those are the facts. The debate we will have on that issue will take care of it. It certainly is not in the best traditions of the Senate to take a national security interest and mandate a closure 60 vote point of order. That is what the Senator has chosen to do.

Mr. REID. Will the Senator yield for an announcement to the Senate, without the Senator losing his right to the floor?

Mr. MURKOWSKI. Surely.

Mr. REID. We have had a number of calls in both cloakrooms as to what will happen tonight. We are very close to having a unanimous consent agreement proposed to the Senate that would set up a vote on this matter that is now before the Senate at 11:30 tomorrow morning. We also have recognized Senator MILLER has been waiting to offer his amendment. He would do that after we come in in the morning so we would be able to have the two votes in the morning.

Mr. LEVIN. Mr. President, if the Senator will yield, I had a discussion with Senator MILLER. My understanding was that the debate on his amendment would occur after the disposition of the Levin-Bond amendment.

Mr. REID. That is correct.

Mr. LEVIN. I thank the Senator.

Mr. REID. If I misspoke, I am sorry. We have a lot of people waiting, and we are going to offer a unanimous consent request to set up things in the morning

and tomorrow afternoon. If people would be kind enough when there is a break in the speeches in the next 10 minutes or so, I would like to offer the request so we can move on.

Mr. MURKOWSKI. I thank the majority whip.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. KERRY. Mr. President, point of personal privilege.

Mr. MURKOWSKI. I yield the floor to Senator BOND.

The PRESIDING OFFICER. The Senator may not yield the floor to another Senator.

Mr. BOND. Mr. President, I had an inquiry to the distinguished deputy majority leader. We have been promised to see a copy of the amendment that is to be offered. Before we agree on the unanimous consent request on this side, we would like to see a copy of that amendment. I wonder if we could be accommodated.

Mr. REID. I say to my friend, we have so ordered the unanimous consent agreement that that should not be a concern to the Senator. None of his rights or privileges would be lost. We will go over that with him prior to offering it.

The PRESIDING OFFICER. The Senator from Missouri now has the floor.

Mr. BOND. Mr. President, I appreciate the chance to address a number of things that have been said on the floor. Before doing that, I would ask if the distinguished majority whip had further comments. I did not mean to cut him off.

Mr. REID. I appreciate that. The Senator certainly has not lost his right to the floor. Tonight anyone who wants to speak on this amendment should talk as long as they want. We have a number of people in the Chamber who wish to talk. Certainly we are going to complete debate on this tonight. That is mainly what the unanimous consent agreement does. It sets up a vote in the morning. So if everyone would be understanding of that, in the immediate future we will offer the request.

Mr. LEVIN. Will the Senator from Missouri yield?

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. BOND. I am happy to yield to the distinguished Senator from Michigan.

Mr. LEVIN. For a question of the majority whip, if I could: Did I understand the majority whip to indicate that the debate on this amendment would be completed tonight under this proposed UC?

Mr. REID. Let me respond to the Senator from Michigan, yes, the debate would be finished tonight. We would have 5 minutes on each side in the morning.

Mr. LEVIN. Prior to the vote?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does the Senator from Missouri yield for a parliamentary inquiry to the Senator from Illinois?

Mr. BOND. For a parliamentary inquiry, I am happy to do so.

Mr. DURBIN. May I inquire of the Chair, is there any control in a unanimous consent or rule of the Senate relative to the order of speaking as to whether Members will each have a chance to speak once before a Member speaks a second time or what order Members will be recognized?

The PRESIDING OFFICER. There is no controlling unanimous consent at this time with regard to debate on this amendment.

Mr. DURBIN. Could I inquire of my colleague from Missouri if he could give me an indication of how long he wishes to speak?

Mr. BOND. Mr. President, I thank my colleague from Illinois. I have been waiting since about 3:45 because there were a number of points that were raised by my good friend from Massachusetts. He was kind enough to pay attention to some analogies I drew. It is probably going to take me 10 to 15 minutes to correct the RECORD. But I am very sympathetic to the needs of my other colleagues who wish to speak, and I do need to straighten that out. With the Chair's permission, I will go ahead and reclaim my time and begin by making, first, a request.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. KERRY. I realize that. I am asking if I could ask him just a quick inquiry.

The PRESIDING OFFICER. Does the Senator from Missouri yield for a request of the Senator from Massachusetts?

Mr. BOND. Mr. President, I have enjoyed listening to the Senator's speeches and questions, and I have a number of answers to questions he has already raised. I prefer to answer those questions, and then I shall be happy to entertain such remaining questions. But he has addressed in his statements a number of questions to me. I am looking forward to the opportunity to attempt to answer those questions.

Mr. DURBIN. Will the Senator yield for a unanimous-consent request?

Mr. BOND. Mr. President, unless it is from the majority whip, I would prefer to go on with my statement. I have told the Senators that I would hope to be able to complete this in less than 15 minutes, if I could reclaim the floor.

First, there was a statement by my friend, the Senator from Arizona, that there is nothing going to be done to improve fuel efficiency under the Levin-Bond amendment.

I refer the Senator from Arizona to section 801, the very first page. It directs the Secretary of Transportation to issue new regulations setting forth increased fuel economy standards for automobiles that are determined on the basis of maximum feasible average fuel economy levels, taking into consideration the matters set forth in subsection F. That essentially lists all of the factors included in the National Academy of Sciences study.

Frankly, it says, "setting forth increased average fuel economy standards."

There have been questions raised by the Senators from Massachusetts and Arizona as to whether there would be any action by the Department of Transportation. It is important to point out to whoever still remains that Secretary Mineta, in July of 2001, requested that Congress remove riders preventing the Department of Transportation from revising the current CAFE standards.

Once Congress did that, the National Highway Traffic Safety Administration—which I will refer to as NHTSA—moved expeditiously in resuming CAFE rulemaking and published a notice on January 24, and on February 7 issued a request for comment for new CAFE standards for light trucks, requested public input. On February 1, the Secretary sent a letter to Congress urging that DOT be given the necessary authority to reform the CAFE program. The administration has requested an increase in NHTSA's budget to accomplish the development of the new standards and has begun updating its 1997 analysis of vehicle size.

So I think NHTSA, which the National Academy of Sciences study said should move forward, has shown it is willing to do so and that it is anxious to do so.

Now, one other item has been raised. My colleague from Massachusetts had a great line, a wonderful line, saying they had the most efficient workers and the U.S. auto industry can turn out the best cars around but they are forbidden to do so by the "terrible management." It is all the management and the designers. Do you know something, Mr. President. The people saying they don't want those minicars are the consumers. The people who determine what the national auto- and truck-buying public consume are the consumers themselves.

There are some in this body who think we can tell them that it is good for you, eat your spinach—even if you don't like it. They tried to tell them to eat their spinach. They got 50 different small cars that meet very high standards. Yes, by God, some of them are golf carts. I love the golf carts. They are going to be all over the place if we have this absolutely arbitrary 37-mile-per-gallon fleet average, or 35, or whatever they come up with in their secondary amendment. We are going to be driving lots of golf carts because they will make it. But only 1.5 percent of vehicle sales in the United States today—even though there are 50 different models—are of the mini subcompacts that get the very high miles per gallon average.

For those people who want to drive them and want to save gasoline, more power to them. That should be their choice. That should be the consumer's choice. There have been a lot of statements made about the fact that, well, the only arguments against increased

CAFE are from the automakers. There are those of us who are supporting the Levin-Bond amendment who believe that the basis for our concern and for our amendment is the National Academy of Sciences study.

I had my breath taken away by the attacks on the National Academy of Sciences, but I will quote some figures from it.

The Senator from Massachusetts said it is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size. It goes on to say that two members of the committee believe it may be possible to improve fuel economy without any implications for safety, even if down-weighting is used. So that statement from the National Academy of Sciences shows that the rest of the members of the panel said it would have an impact on safety.

Furthermore, the committee states that it recognizes the automakers' responses could be biased, but extensive downsizing that occurred after fuel economy requirements established in 1970 suggest that a likelihood of a similar response to further increases in fuel economy requirements must be considered seriously. From this, I repeat the message previously received—that we will be getting into smaller cars that are more dangerous.

Speaking of smaller cars, my colleague from Massachusetts talked about the Escape hybrid electric vehicle. Well, the rest of the story, and what he did not tell you, is that the Escape, which is the basic car, can only tow 1,000 pounds. It is a small front-wheel drive. The hybrid would cost \$3,000 to \$5,000 more, and it is 1,000 pounds lighter. Now, 1,000 pounds is a significant factor because that is basically what the lower weight of vehicles after the CAFE standards went into effect—what resulted in the roughly 2,000 deaths per year that the National Academy of Sciences foresaw.

There may be some people who want the hybrid electric vehicle. But if I were driving young children in my family around, I don't think I would want to go with a smaller car. There is no assurance that the consumers are going to buy it. That is the problem with some of these command-and-control decisions from Washington. They say that if we direct the manufacturers to build it, then the consumers will buy it. Well, American consumers like to make choices themselves. Sometimes they say we are not going to buy them.

The 10 most fuel-efficient cars in America account for only 1.5 percent of auto sales. In a recent survey of attributes, they show that the consumers value safety, comfort, utility, performance, and fuel economy ranks at the bottom.

In addition, when we talk about the technological improvements, Congress is not making the laws of physics. We are not changing science.

The safety improvements add weight to the vehicles. The heavier the vehi-

cle, the more energy it takes to move it down the road and it results in a decrease in fuel economy.

The National Committee of Sciences report said:

If an increase in fuel economy is affected by a system that encourages either downweighting or the production in sale of more small cars, some additional fatalities would be expected.

In addition, the Senator from Massachusetts said unequivocally that NAS, in its report, said a fleet of 37 miles per gallon could be reached with existing technology and without any loss of jobs.

That is just simply not true. Nobody can find a reference in this wonderful National Academy of Sciences report. I hold it up. It is a little dog eared. I have been looking for the statement cited as gospel by the Senator from Massachusetts. It is not in there. There are not even any fleetwide numbers in the report. Rather, there are cost-efficient fuel economy levels for 10 different subclasses of light-duty vehicles. Nowhere are those numbers sales weighted to yield a fleet average.

Of the six cost-effective scenarios examined by the National Academy of Sciences panel, is there even 1 of the 10 classes estimated to be able to reach that level? There are subcompact and compact cars which under a 3-year payback period could get up to 30 miles per gallon, and the highest light truck value is only 24.7 miles per gallon.

The National Academy of Sciences report in no way suggests that a 37, 35, 32—whatever number you want to give me—is achievable.

Also, my friend from Massachusetts cited a Consumers Union study on possible safety effects. Unfortunately, that CU study used an invalid comparison of vehicle crash death rates published by the Insurance Institute for Highway Safety to suggest that drivers of Honda Civics are at less risk than drivers of Chevrolet Suburbans. The Insurance Institute says:

Such a claim is absurd on the face of it. Plus, the comparison is invalid. The two death rates are not statistically different, as indicated by the confidence bounds we published. Also . . . nonvehicle factors such as use patterns and driver demographics influence vehicle death rates, and these are likely to vary across different vehicle types such as small cars . . . and very large sport utility vehicles.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INSURANCE INSTITUTE FOR
HIGHWAY SAFETY,
Arlington, VA, March 6, 2002.

Hon. CHRISTOPHER BOND,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BOND: This is in response to your request for reactions to statements in a letter sent by the Consumer Union (CU) to members of the Senate on possible safety effects of pending fuel economy legislation. The CU letter seriously misrepresents the adverse safety consequences of reducing vehicle weights to improve fuel economy.

First, CU uses an invalid comparison of vehicle crash death rates published by the Institute to suggest that drivers of Honda Civics are at less risk than drivers of Chevrolet Suburbans. Such a claim is absurd on the face of it. Plus the comparison is invalid. The two death rates are not statistically different, as indicated by the confidence bounds we published. Also (as noted in our publication) nonvehicle factors such as use patterns and driver demographics influence vehicle death rates, and these are likely to vary across different vehicle types such as small cars (Civics) and very largest sport utility vehicles (Suburbans).

Even though we pointed out to CU the potential influences of nonvehicle factors on the computed death rates, the letter claims that "when we take all crash factors into account in the real world the Honda Civic had fewer driver fatalities than the Chevrolet Suburban." This is a complete misrepresentation. Nonvehicle factors such as use patterns and driver demographics were not taken into account. The claim that "all crash factors" were taken into account is wrong. No nonvehicle crash factors were accounted for when the death rates were computed.

Second, the CU letter distorts basic facts concerning occupant safety and vehicle weight. The evidence is overwhelming that the lightest passenger vehicles (which consume less fuel per mile) offer much less protection to their occupants than heavier vehicles (which consume more fuel per mile). It also turns out that the safety benefits to vehicle occupants diminish as vehicles get heavier and heavier, so we don't have to choose the heaviest passenger vehicles to get good crash protection. Still, we should avoid the lightest ones.

It is sometimes claimed that the high crash risks for occupants of light vehicles are entirely due to the adverse consequences of collisions with heavier passenger vehicles and, therefore, it is the heavy vehicles that are the problem. It is correct that heavier vehicles increase the risks for occupants of light vehicles in two-vehicle crashes, but this effect makes only a relatively small contribution to the high risks for light car occupants. Our October 30, 1999 newsletter, *Status Report* (enclosed), pointed out in an article on crash compatibility that almost 60 percent of the deaths of occupants of the lightest cars (<2,500 pounds) occur in single-vehicle crashes, crashes with big trucks, or crashes with three or more vehicles. Two-vehicle crashes with other cars (including other light cars) account for 23 percent of the deaths in light cars, and crashes with sport utility vehicles and pickups of all weights, not just the heaviest ones, account for 15 percent of the deaths of small car occupants.

The high risks for occupants of light cars in crashes are due to the inherent lack of protection these vehicles offer in *all* kinds of crashes. Additional vehicle safety standards cannot offset the higher crash risks for occupants of lightweight vehicles. Such standards may make light vehicles safer, but they also will make heavier vehicles safer, so the disparities in risk will remain.

The laws of physics dictate that light vehicles consume less fuel per mile and are less protective of their occupants in crashes. This means fuel conservation measure that increases the use of light cars will do so at a cost of unnecessary crash deaths and injuries.

Sincerely,

BRIAN O'NEILL,
President.

Mr. BOND. Mr. President, finally, it has been suggested that the Honda

manufacturing motor company is supporting the effort to get the 36 miles per gallon. Today's National Journal Congress Daily on page 9 reports that it opposes the bill sponsored by Senators KERRY and MCCAIN, and it says it supports the measure supported by the distinguished Senator from Michigan and myself.

Honda's representative in Washington said:

The Kerry provision is just too aggressive. Ultimately, NHTSA ought to decide the standard.

The Levin-Bond amendment would do that. For all those who have complained that there is going to be no progress, that it is going to be in the hands of the auto companies, I refer them simply to the Levin-Bond amendment which says that NHTSA must increase fuel economy, it must do so in consideration of the scientific and technological information developed and presented in the National Academy of Sciences proposal.

Their report is called "The Effectiveness and Impact of Corporate Fuel Economy Standards." We are seeking to do something that is rather unusual, and that is to say, use the best science, the best economics, continue to make progress but do not throw hundreds of thousands of people out of work, do not endanger lives, and do not destroy consumer choice.

This is not a command-control economy like the old Soviet Union where we could say we are going to put out one car and that is what you are going to drive. Frankly, American consumers have developed their own tastes. Yes, we are going to push for better technology, but we are not going to tell them that you can only drive a mini subcompact or, as I say to my friend from Massachusetts, a golf cart.

I look forward to continuing the debate tomorrow, and I urge my colleagues to support the Levin-Bond amendment. I am happy to yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that upon the conclusion of debate today with respect to the Levin amendment No. 2997, the amendment be set aside, to recur at 11:30 a.m. tomorrow, Wednesday, March 13; that at that time there be 10 minutes equally divided and controlled in the usual form remaining for debate prior to a vote in relation to the amendment; that upon disposition of the Levin amendment, Senator MILLER be recognized to offer an amendment regarding CAFE and pickup trucks; that there be 10 minutes for debate with respect to the Miller amendment, with 4 minutes controlled by Senator MILLER and 5 minutes under the control of Senator GRAMM of Texas, and the remaining 1 minute under the control of the opponents; that upon the use or yielding back of the time, the Senate vote in relation to the Miller amendment; that upon disposition of the Miller amendment, Senator KERRY or Senator SNOWE, or their designees,

be recognized to offer an amendment regarding CAFE; that the Miller and Kerry amendments be in order regardless of the outcome of the vote with respect to the Levin amendment, with no second-degree amendments in order to the Levin or Miller amendments, nor to any language which may be stricken by those two amendments; provided further that if an amendment is not disposed of, then the Senate continue its consideration of that amendment until disposition and then resume the order of this unanimous consent agreement, as previously announced, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, two things. For the 11:30 a.m. vote, several on this side have asked for more time. So I will respectfully request that that be extended to 20 minutes. I have a basic problem. We still have not seen the amendment that is to be offered by Senators KERRY or SNOWE, and, until we see it, we don't know if the time is adequate. We would like to see that.

Mr. REID. We have provided no time for that. We changed that.

Mr. BOND. OK. Then with the change to 20 minutes equally divided, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If the Senator will yield, the majority leader has asked me to announce that there will be no more rollcall votes tonight. I ask, if the Senator will allow me, that following the statement of the Senator from Missouri, the Senator from Illinois be recognized for up to 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the Senator from Illinois is recognized.

Mr. REID. Mr. President, I know the order allows the Senator from Illinois to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I did speak to my friend from Illinois. I ask unanimous consent that I be allowed to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, first, this Energy Committee has been defamed several times over the last several weeks. There were a number of meetings held. My friend from Alaska said there were no meetings held since October. Nine people have been confirmed, and they had to come out of the committee. That is one example.

I also say this about my friend, JOHN KERRY. Something was said that what he was doing was not supportive of national security. No one should ever talk about JOHN KERRY and national security. He has done more than talk about national security. He put his life on the line in the jungles of Vietnam

and was injured. He received a Silver Star, which is a significantly high medal for heroism. JOHN KERRY was a hero in the battles in Vietnam. I have spoken with people who were with him in Vietnam, and the things he did there were very heroic.

JOHN KERRY believes what he is doing deals with the security of this country. I agree with JOHN KERRY.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for up to 25 minutes.

Mr. DURBIN. I thank the Chair. Mr. President, I thank the Senator from Nevada, the majority whip, for propounding this unanimous consent request. I would like to join in this debate. We will talk about a lot of different aspects of the energy bill, but I think this debate on fuel economy standards for automobiles and trucks in America goes to the heart of the issue.

There are many who believe we can discuss the future energy needs of America without engaging the American people; that we can offer to them the false promise and the false hope that we can become close to energy independent without any change in lifestyle, without very many changes in law, and without any sacrifice by business or families or individuals. I am not one of those people.

I believe if we are going to be honest with the American people about our energy challenges in the years ahead, we have to tell them that it is going to call for sacrifice; it is going to call for commitment; it is going to call for an understanding of our role in the world.

The reason I say this is the following: The United States currently imports 51 percent of its oil. That number is expected to increase to 64 percent by the year 2020. Forty-two percent of U.S. oil consumption is used for gasoline for passenger cars and light trucks. It is predicted that passenger fleet consumption will rise to 56 percent by the year 2020.

We cannot have a meaningful and honest discussion about reducing American dependence on foreign oil without addressing the question of fuel efficiency of the passenger cars and light trucks that we drive as Americans.

For the record, my wife and I own a Chrysler product, a Ford product, and a Saturn. With our kids growing up, we have had a variety of cars, mainly American cars, but we do our best to buy American cars.

Some of the things I am talking about are going to reflect on the American automobile industry, and I am sorry if it is taken as a negative comment but I have to get some of these things as part of the record and part of my feelings about this issue.

Let me tell you the history of fuel efficiency in America so you can understand for a moment what we are discussing today.

In 1975, there was a heated debate in Congress about establishing for the

first time in history fuel economy standards for automobiles and trucks manufactured in the United States. At that time, the average fuel efficiency was about 14 miles a gallon for the fleets that were being built primarily by the Big Three in Detroit but by other manufacturers as well.

This Congress decided at that time to dramatically increase the fuel efficiency required of automobile manufacturers to a level of 27.5 miles a gallon by 1985. In a 10-year period of time, we virtually doubled the fuel efficiency of cars and trucks in America. Now, trucks I will have to say were an exception, and because of that exception, which I will allude to later, perhaps it was not the entire fleet taken into consideration, but when it came to automobiles we moved from 14 miles a gallon in 1975 to 27.5 miles a gallon in 1985.

There were many critics who said that was impossible, technologically unachievable, it was going to require Americans to run around in kiddy cars, and that, frankly, it would push manufacturing of automobiles overseas.

If any of these arguments sound familiar, it is the same litany of complaints we have heard today about improving fuel efficiency standards. When one looks back at the history of that debate in 1975, some of the things that were said are nothing short of incredible.

In 1974, a statement before the Senate Commerce Committee from Chrysler Corporation about the new fuel efficiency standard that would move fuel economy from 14 miles a gallon to 27.5 miles:

In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact-size cars, or even smaller ones, within 5 years, even though the Nation does not have the tooling capacity or capital resources to make a change so quickly.

Thus spoke Chrysler in 1974 facing the first fuel efficiency standard increase.

General Motors in 1975, published in *Oil Daily*, said as follows:

If this proposal becomes law [to increase fuel efficiency] and we do not achieve a significant technological breakthrough to improve mileage, the largest car the industry will be selling at any volume at all will probably be smaller, lighter and less powerful than today's compact Chevy Nova and only a small percentage of all models being produced could be that size.

It is not just the resistance of the Big Three to fuel economy. The Big Three have virtually resisted any efforts to establish new standards for fuel economy, safety, and auto emissions throughout the years. They have been resistant to change.

In 1966, Ford said, when we were imposing national safety standards:

Many of the temporary standards are unreasonable, arbitrary and technologically unfeasible. If we cannot meet them when they are published, we will have to close down.

That was from Henry Ford II. He was referring to the onerous Government

requirements of laminated windshields, seat belts, and other safety requirements.

In 1971, Ford again, and this was Lee Iacocca, who was with Ford at the time:

The shoulder harnesses, the headrests are a complete waste of money and you can see that safety has really killed all of our business. We are in a downhill slide the likes of which we have never seen in our business, and the Japanese are in the wings ready to eat us alive.

That was Lee Iacocca of Ford Motor Company in 1971 talking about any law requiring safety equipment on automobiles in the United States.

I will not read through all of the quotes on emissions controls. Trust me. Year after year, the Big Three have come before Congress, testified, and stated publicly that any changes in their design and manufacture mandated by law would result in their bankruptcy in the production of vehicles, that Americans would not buy and, frankly, would jeopardize our security as a nation as it shifted jobs overseas.

Despite all of those protests, in 1975 this Congress enacted that law which virtually doubled the fuel economy of cars in the United States. So one might ask then, what happened next? The answer is, absolutely nothing.

Since 1985—for 17 years now—Congress has been unwilling to even address the issue of improving fuel economy of automobiles in the United States. That is an incredible statement, that after 10 years of a dramatic technological breakthrough, doubling fuel economy, for 17 years we have done nothing. And the automobile manufacturers in Detroit have done nothing either. If anything, they have gone in the opposite direction.

The cars that are sold today, particularly SUVs, are less fuel efficient. Of course, as a result of that, our dependence on foreign oil continues to increase.

The premise of those who come before us today and oppose the underlying bill, which improves fuel economy to 36 miles a gallons—35 miles a gallon. I keep getting the numbers confused, but I believe it is 35 miles a gallon. There are three premises behind that. First, those who oppose it would say improved fuel economy is a goal beyond the capacity of American science and technology. We have heard it over and over again. They refer to study after study. They cannot see that we would move from 27.5 miles a gallon as a fleet average to 35 miles a gallon and do that with our ability to bring together the best scientists and those involved in automobile technology. They are very despondent that if Detroit were challenged to meet this goal, they would ever be able to meet it.

Does that sound familiar? Does that not sound like the debate in 1975, when the Big Three came and told us this cannot be done, it is technologically impossible?

The second premise of the opposition to increasing fuel efficiency standards is that the American consumers should not be asked to change their buying habits in any way whatsoever.

Frankly, I think those who take that position are underestimating the people in this country. I think Americans are prepared to accept a change in lifestyle, a change in the vehicles they buy, if we explain to them that if they pay that price, America will come out ahead; we will lessen our dependence on oil coming from Saudi Arabia, from the gulf states, from overseas. We will be able to take positions on foreign policy and on potential battles with other countries based on the fact that we will be less dependent on them.

To me, that makes eminent sense, and I think I could go home to my State, or to virtually any State in this country, and say to people across this country: Americans, we need to gather together. We need to stand united as we have in the last 6 months since September 11. We need to accept the reality that tomorrow's automobile is going to look a little different from today's; tomorrow's truck is going to look a little different, too, but it will be more fuel efficient and it will lessen our dependence on foreign oil.

Is that not a valuable thing for us to do as a nation? I think most Americans would agree. But some would not even bring that question to the American people. They do not want to even raise the possibility or the specter that we would have to change our buying habits.

The third premise of most of those who oppose improvement on fuel economy and fuel efficiency is the Senate is prepared to abdicate any responsibility to meaningfully reduce American dependence on foreign oil. Trust me. If we will not address fuel efficiency and fuel economy, which we know is going to account for more than half of the oil that will be imported into the United States by the year 2020, then the rest of this conversation about energy is simply eyewash. It is not serious. It is not substantive. It is not going to achieve what America needs: Leadership on energy. Unfortunately, that is where we stand today.

I received a letter from a constituent of mine. He sent it to my office, and I will read it into the RECORD. He is in Chicago, IL. His name is "Z" Frank. Those who are from the Chicago area are familiar with him and will know immediately that he is the world's largest Chevrolet dealer, that he is the President of "Z" Frank Chevrolet. This man is the largest dealer of Chevrolets and is writing to Members of Congress, all of us, on the issue of fuel efficiency. Keep in mind, the company that makes the cars he sells is opposing an increase in fuel efficiency.

Listen to what Mr. Frank writes to all of us in reference to this debate.

The letter is dated February 25, 2002, and reads as follows:

I write in support of raising fuel economy standards, as the President of "Z" Frank

Chevrolet, having sold well over 1,000,000 Chevrolets. My family has been selling and leasing cars and trucks in Chicago since 1936. Before entering the family business in 1976, I graduated from George Washington University and then the University of Chicago Graduate School of Business. I have been a Chevrolet dealer since 1982 and since then have also held franchises from Oldsmobile, Hyundai, Mazda, Subaru and Volkswagen.

I call on you to support the Kerry-Hollings fuel economy bill to raise miles per gallon standards to 35 miles per gallon by 2013. Making cars go farther on a gallon of gas is a responsible step to use less oil.

I ask you to support raising CAFE standards as the best way to manage our energy future and encourage automakers to implement fuel saving technologies that are currently available.

Here is why:

1. Auto manufacturers are like the boy who cried wolf. Every time the federal government proposes new regulations, they cry the same story that it will limit choice, make vehicles less safe, cost jobs and hurt the economy. During the same period in the 1980s that fuel economy increased, traffic fatalities fell by half. And when new laws are passed, compliance follows. Now ask yourself, didn't the year 2000 set the all time record for light and medium weight vehicles sales? Even after September 11, car companies have been selling a vast number of vehicles. It doesn't seem to me that regulations have hindered volume or employment so far. Can you remember one instance when the manufacturers' cries of gloom and doom have materialized? I can't.

2. American technological innovation can lead the way to safe, fuel efficient vehicles that sip gas rather than guzzle it. I would like to see General Motors provide me with a competitive high mileage vehicle to sell, and we'll sell it!

3. Fuel-efficient technology can be implemented without jeopardizing safety. Technology such as better engines and transmissions will be the driving force in making more fuel-efficient vehicles. General Motors recently announced that it had technology to improve the engines it uses in the Suburban, their largest SUV, by 25%. Technology, such as air bags and vehicle design, is also a driving force behind vehicle safety. High fuel economy standards can help improve overall safety by encouraging the use of strong but lighter materials in the heaviest vehicles.

4. As technology has improved, performance has consistently improved as well. Competition will continue to improve performance. Under the CAFE system, the pickups and SUVs that have the torque and horsepower needed to haul heavy loads can retain their power. Consumers will continue to love their cars and buy the best cars that their monthly payments will allow.

5. There are real benefits to our environment from raising CAFE standards. Cars, SUVs and other light trucks now consume 8 million barrels of oil every day, and account for 20% of US global warming emissions. High demand for oil also increases the pressure to drill in areas that should be left unspoiled. Raising fuel economy standards will save oil and slash global warming pollution.

6. I have a personal reason for supporting higher CAFE standards. Air pollution is a very serious and growing problem, and my wife, who suffers from asthma, finds it increasingly difficult to breathe. While making cars use less gasoline will not directly reduce air pollution from a car's tailpipe, by cutting gasoline consumption, it will dramatically reduce air pollution that comes from refining, transporting and refueling. Raising CAFE standards will, in fact, help clean the air.

It pains me to be at odds with the manufacturer I represent. For 65 years, my family has been selling cars and trucks—almost 50 of those years, Chevrolets. Selling Chevrolets has been very financially beneficial for my entire family and me. I do not want to be at odds with General Motors and my fellow dealers or threaten my economic future. I want to support my manufacturer—but first, they must give me the vehicles to sell that are in the best interests of our citizens and our country. I believe they can and will do it if required.

Please support the Kerry-Hollings bill as a responsible step towards a better future.

Sincerely,

CHARLES E. FRANK,
President, "Z" Frank Chevrolet.

Mr. Frank, in that 2-page letter, summarized the most compelling arguments for Members to have the courage, the political courage, to vote for higher CAFE standards. Here is a man who sells the product. If he believed for a second what we have heard on this floor, that what he would sell would be something American consumers would never buy, he would not write that letter. If he believed for a second this were beyond the technology and ability of American auto manufacturers, he would not have written this letter. But he believes otherwise. And so do I.

Let me put this in historic perspective. From 1975 to 1985, there was a 100-percent increase in fuel efficiency. From 1985 to 2002, no change whatever. We are still stuck with the 1985 standard.

Let me put in perspective what we are debating. The underlying bill wants to move the fuel efficiency standard to 35 or 36 miles per gallon, depending on the amendment before the Senate. And 35 or 36 miles per gallon means we will take the 27.5-gallon fleet average now and raise it by about 30 percent. From 1975 to 1985, we increased fuel efficiency 100 percent. Under the Kerry provision before the Senate, we are asking that in the 30 or 32 years since, Detroit and the automobile manufacturers increase their fuel efficiency by 30 percent.

I am sorry, but I have to say I don't believe that is an ambitious or impossible goal. If I believed for a minute this was beyond the ability of American science and technology, I would throw in the towel, as are those who are opposing the Kerry provision and stand to say we cannot ask America's engineers and scientists to come up with a means over the next 13 or 14 years to improve the fuel efficiency of our vehicles by 30 percent.

But I do not believe that. As I stand today, I know the Congress of 1975, which had the courage to say to automobile manufacturers, you can do 100 percent better in 10 years, was on the right track. There is not a single proposal today that even gets close to setting that kind of ambitious goal. Yet it is doubtful we are going to pass any meaningful fuel efficiency improvement standard as part of this energy bill. That is a sad commentary. It is a sad commentary on our automobile manufacturers. It is a sad commentary on this Congress that we do not have

the courage to stand up and do what is right for this country at a time when we know what our dependence on foreign oil means.

If we look at some of the things before the Senate, we understand why the debate is getting out of hand. Look at the Kerry-Hollings provision on increasing fuel efficiency to 35 miles per gallon by 2013—in other words, in 11 years to reach 35 miles per gallon, a 30-percent increase over where it is today.

This charts shows the amount of oil that would be saved, millions of barrels a day; 3.5 million barrels a day would be saved if this were in place.

Look at what the other side argues. They suggest there is a painless way to do this. We have spent more time in this Chamber talking about one piece of Alaskan real estate than any other issue regarding America's energy picture. Senator MURKOWSKI and others stand before the Senate and say the real answer to our problem and dependence on foreign oil is to go ahead and drill in the Arctic National Wildlife Refuge. Look at the savings or production that comes from the Arctic National Wildlife Refuge compared to the savings if we move toward fuel efficiency. It is not even close.

I have numbers which tell the story. The U.S. Geological Survey says there are 3 million barrels of oil in the Arctic National Wildlife Refuge and it will be 8 or 9 years before we can bring it out. We can have several times this amount of savings through automobile and industrial efficiency. That is why we need a strong CAFE provision in this bill. By 2030, the cumulative savings from CAFE reform will be over 18 billion barrels of oil. In other words, the cumulative oil savings from CAFE reform by the year 2030—to the end of this chart—would be 6,000 times the amount of oil we could ever drill out of ANWR according to the U.S. Geological Survey.

It is not an honest debate to say to the American people, keep driving as big a car as you want, do not ask Detroit to come up with anything that is more fuel efficient, no sacrifice to Detroit, no challenge to our technology and science, drive whatever you want, when you want, no questions asked, and do not worry at all about our dependence on foreign oil because we can drill in the Arctic National Wildlife Refuge.

That is what I hear from the other side of the aisle. I think that is a ludicrous position. I don't think that even gets close to squaring with the reality of the challenge we face in America.

So I hope my colleagues, when they consider this debate, will recall what we have been through in this country over the last 20 or 30 years. I hope they will remember the great debate in 1975 where Members of Congress stood up and said to the American people: We are tired of these long lines, waiting at gas stations. We don't want to increase our dependence on foreign oil. We are going to put a challenge out.

They put that challenge out and the sad reality is, foreign automobile manufacturers rose to the challenge, and Detroit fought them all the way.

There was an old saying. When Congress passed the 1975 law, the Japanese automobile manufacturers went out and hired a team of engineers to comply with the new standards that had been imposed on them by Washington and the Big Three in Detroit went out and bought a team of lawyers to fight the new standards in court.

I don't know how true that is. But I tell you, I think we can do a lot better. It is a source of embarrassment to me that the first hybrid vehicles that came on the market in America were produced by foreign automobile manufacturers. We can do a lot better. Detroit obviously will not do it on its own. It needs to have a standard, a goal, and, frankly, a law which says we are going to dramatically improve the automobiles and trucks that we sell in America.

I genuinely believe we can meet this. I genuinely believe we can rise to this challenge. I am not so despondent and negative to believe we have to throw in the towel whenever faced with something that some call as radical as increasing fuel efficiency by 30 percent over the next 11 or 12 years.

That is a modest goal, a very modest goal. But look at the savings for America in reducing our dependence on foreign oil.

Nor do I believe it is unreasonable to say to the American consumer: Yes, that car or truck is going to look a little different in the years to come, but isn't it worth it? Isn't it worth it to know you are doing something? You are driving a brand new car, brand new truck—it looks a little different, may sound a little different—but when it is all said and done, you will still be living in the greatest Nation on Earth, and we are less dependent on that foreign oil and those who produce it—and lead us around by the nose too often when it comes to foreign policy. I don't think that is an unreasonable thing to ask, nor do I think it is unreasonable to ask this Congress to basically say to those special interests groups that have come to us and said stand in the way and stop any improvement in fuel efficiency, that this is not in the national interest.

Mr. FRANK made that point. We have to do what is best for this Nation in the long run, for workers as well as families across the board. And that means supporting a meaningful fuel-efficiency standard which lessens our dependence on foreign oil. The net result will be a better vehicle, more jobs, a safe vehicle; it will be something we are going to be proud of. I hope Congress has the political courage to rise to the occasion.

Unless someone is seeking recognition—the Senator from Michigan? I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Michigan.

Mr. LEVIN. Madam President, let me briefly comment on a few of the questions which have been raised here today.

First, in terms of the amendment which is offered, we are requiring that there be an increase in fuel economy. That is No. 1. But what we also say is that there are many factors that need to be considered, including safety factors, before that decision is made.

We list those factors. We list every factor that we can reasonably think of that somebody ought to consider before we arbitrarily adopt a number which is then imposed upon this economy and upon the American public.

We have heard a lot about safety today. I want to read some things from the National Academy of Sciences about safety. This isn't the automobile industry and it is not the opponents of the Levin-Bond amendment. This is the National Academy of Sciences.

It creates a lot of difficulty for the opponents of my amendment because it raises an issue they do not consider. As Senator KERRY from Massachusetts simply said: The National Academy of Sciences says that his proposal, "will not affect safety."

Those are the words of Senator KERRY. The National Academy of Sciences says his proposal won't affect safety.

I am afraid that the National Academy of Sciences specifically found that the increase in CAFE, whether you like what we did or do not like what we did back in the 1970's, had an effect on safety. Here is what they said:

Based on the most comprehensive and thorough analyses currently available, it was estimated in chapter 2 of their study that there would have been between 1,300 and 2,600 fewer crash deaths in 1993—

Which is the year they looked at it had the average weight and size of the light duty motor vehicle fleet in that year been that of the mid-1970's. Similarly, it was estimated that there would have been 13,000 to 26,000 fewer moderate to critical injuries.

These are deaths and injuries that would have been prevented with larger heavier vehicles, given the improvement in vehicle occupant protection—

That was raised today: Does this consider the improvements? Yes.

and travel environment that occurred during the intervening years.

In other words, the National Academy of Sciences study says these deaths and injuries were one of the painful tradeoffs that resulted from downweighting and downsizing, and the resulting improved fuel economy.

Those are difficult words for many people to even consider, but they are words of the National Academy of Sciences. They repeat them in a number of places relative to safety. There is a tradeoff. That was the majority vote of the National Academy of Sciences.

For the Senator from Massachusetts to simply say the National Academy of Sciences said it will not affect safety—referring to his proposal—he is simply wrong.

It was amazing to me that then almost in the same breath he attacked the very findings of the National Academy of Sciences as being flawed. Within 1 minute of each other, those two thoughts were uttered by our good friend from Massachusetts: One, the National Academy of Sciences say the increase in CAFE mandated by his bill won't affect safety; second, that the National Academy of Sciences study, which has been quoted on this floor today, is flawed. Then he goes into the reasons why it is flawed.

My point is actually a simpler one. Somewhere, somebody who has some expertise ought to look at some factors that should go into the decision: What should a new fuel economy standard be? We can do it here arbitrarily. We can say it ought to be 35 miles a gallon, that it is technologically feasible using possible advanced technologies. We can say that without consideration of cost, by the way; without consideration of safety; without consideration of disproportionate impacts on different manufacturers.

We could do that here arbitrarily. Or we can do what this amendment does, which is to say there are a lot of criteria that ought to go into that decision: Technological feasibility, economic practicability, the effect of other Government motor vehicle standards on fuel economy—I want to come back to that in a moment—the need to conserve energy, the desirability of reducing U.S. dependence on foreign oil, the effect on motor vehicle safety, the effects of increased fuel economy on air quality, the adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers, the effect on U.S. employment, the cost and lead time required for introduction of new technologies, the potential for advanced technology vehicles such as hybrid and fuel cell vehicles to contribute to significant fuel savings; the effect of near-term expenditures required to meet increased fuel economy standards on the resources available to develop advanced technology, and the report of the National Research Council, which is the National Academy of Sciences.

Do we want these factors to be considered? Do we think they are relevant? Do we think they should be part of a process that addresses where the new standard should be? It seems to me, yes. It is for 15 months. Under our amendment, we direct the Department of Transportation to—I use this word because it is very important—increase standards for cars and light trucks based on the consideration of those facts.

That is No. 1. Those facts are relevant. They ought to be considered. They are the alternative.

One of the things that the NAS also points out is that if new regulations favor one class of manufacturer over another, they will distribute the cost unevenly and could evoke unintended responses.

On page 69 of the NAS study, they say that in general new regulations should distribute the burden equally among manufacturers unless there is a good reason not to. For example, raising the standard for light trucks to that of cars would be more costly for light truck manufacturers.

The Kerry-Hollings proposal affects manufacturers unequally because it looks at fleet average instead of class average. We have gone into this in some detail today. We have pointed out that if you look at classes of vehicles and compare the light trucks, which we have listed here manufacturer by manufacturer but do it class by class, American-made vehicles are at least as fuel efficient as imports.

Is that relevant? It should be. Even if you decide that you want to have an arbitrary number selected in law now without a committee report, without consideration of any factor except potential technological feasibility—one of 13 factors—if you want to ignore all the others, surely we ought to do it in a way which does not have a discriminatory impact on American manufacturers.

I find it incredible, I find it bizarre, that we would build a system that would not say that equal vehicles by size and manufacturer ought to be treated equally. By the way, that is also what the NAS says.

Here I am quoting them:

That one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers.

The suggestion was made today that this proposal of Senators KERRY and HOLLINGS would have a positive impact on air quality. I am afraid that is inaccurate. Air quality standards are set for all light-duty vehicles on a per-mile basis. So that the amount of any exhaust gases that can be emitted and limited to a fixed amount per mile driven, regardless of the fuel economy of the vehicle, makes no difference. Large vehicles, medium-sized vehicles, or small vehicles all have, under the so-called tier 2 rules, which will soon be in effect, exactly the same requirement relative to emissions that go into the air. All full-sized vehicles, including Ford's Excursion, GM's Suburban, the Dodge Durango, the Toyota Land Cruiser, have to meet the same emissions as a Honda Civic or a Chevy Metro.

Talking about the Chevy Metro, the GM dealer, which was referred to by Senator DURBIN, I presume, had Chevy Metros for sale, and could have sold all they wanted, I assume, since they were a GM and Chevy dealer. Yet the percentage of those small subcompacts that were sold is less than 2 percent of the entire sales of this country. They have been available. They are highly fuel efficient. They have some disadvantages in terms of size. But to suggest, as one Chevy dealer did in a letter that was cited by the Senator DURBIN, that somehow or other General Motors

should give to him a fuel-efficient vehicle so he could sell more—2 percent of all of our sales in this country are subcompact, are highly fuel efficient, and with a small number of other disadvantages.

GM provided an electric vehicle, which has much better fuel economy by any kind of a test than any of the proposed vehicles or any other existing vehicles that we have. Yet these vehicles have been, if not a significant disappointment, a serious disappointment. They have had these vehicles. We have probably a dozen vehicles of extremely high fuel economy available for consumers, should they choose to buy those vehicles and should dealers such as the dealer in Chicago choose to or be able to sell those vehicles to their customers.

Just a couple of other points before we finish for the evening:

The NAS does not recommend fuel economy goals. They have said that over and over again. They lay out the facts. We have quoted many of them on our side of this issue. But they say very clearly that the committee cannot emphasize strongly enough that the cost-efficient fuel economy levels they identified are not recommended fuel economy goals.

That is not what they were about. What they were about was to do an analysis of various kinds of technology. What are the possibilities? What they came up with are conclusions which we very much support. We very much rely on them. The amendment of Senator BOND and myself very heavily relies on the NAS study which has been referred to today.

I think a letter from Honda was referred to earlier in the day, the implication being that somehow or other Honda might be supportive of the Kerry-Hollings language. I want to read a Honda document from their government relations folks. It says here that the Levin-Bond amendment requires NHTSA to set new standards for light trucks within 15 months. They support this amendment.

These kinds of technological possibilities are among the factors considered in setting new standards, and, perhaps most importantly, it says:

We ask you to call your Senators immediately to express your support for what is being called the Levin-Bond amendment, and not support alternative amendments.

They write:

Other Senators may offer amendments, but there are none that meet our criteria better than Levin-Bond.

That is the Honda dealer document to which I am referring. It is quite opposite from the implication which was made earlier this evening that somehow or other Honda was supportive of the arbitrary identification of a particular standard in the Kerry-Hollings language.

Again, Honda specifically said:

We ask you to call your Senators immediately and express your support for what is being called the Levin-Bond amendment.

There was a reference made to Europe: Why can't we do what they do in Europe where there is a much different situation? The small car percentage in Europe is 64 percent. Ours is 24 percent. They obviously do better on fuel economy. But they do better for a number of reasons. Not only do they have three times as many small cars in use, mainly because of the cost of gasoline, which is about 2½ times higher than our gasoline prices, but also they use diesel engines. They have 36 percent diesel engines in Europe. We have about 1 percent here.

The reason they are able to do that is diesel engine standards are very different from ours. Our tier 2 emission standards will not allow the European diesel engine to be used here.

I did not hear supporters of Kerry-Hollings today say they would support the European diesel standard. I would be interested as to whether they would. If they will, that has a very different effect on our air quality.

The emission standards in tier 2, which are very tough, and which are stronger than they are in Europe, and which protect our air cannot be met by the European diesel. Maybe someday they will be, but they cannot yet.

When we heard that argument from the Senator from Arizona about air quality, and about being worried about NO_x and the other components of smog, then what we are talking about is: Are the proponents of the Kerry-Hollings language willing to adopt the European diesel standards which would allow our manufacturers to use diesels of that same quality? That will have a huge impact on CAFE standards and on the CAFE averages of fleets, if our manufacturers can use the European diesel standard. I guarantee you that there would be a huge outcry in this country if there were an effort made to adopt the European diesel standard for American manufacturers and sales here.

To simply say, look, they are doing it in Europe, they are meeting much higher CAFE standards or fleet averages in Europe than they do here, is to completely mix apples and oranges, because the difference, No. 1, in gas prices; and, No. 2, because of the difference in the number of small cars in Europe, mainly because of gas prices, but, most importantly, because of the percentage that diesels have of the market in Europe.

Madam President, I close with this: Senator KERRY, a good friend of the Presiding Officer and myself, suggested that maybe he and I ought to go in a back room—his words—and just adopt CAFE standards class by class for each of these six classes, since I pointed out how discriminatory it is to have one fleet standard for each manufacturer because of the different component makeup of the fleets, and how it is comparing, in a very unfair way, the American automobiles to the imports, and that the only fair way, in my judgment, is to have the same standard fuel economy for the same class vehicle.

Senator KERRY, at that point, suggested—again, his words—I challenge you to go in a back room and set standards for each class.

What he pointed out, accurately, is that our amendment does not set a standard. He wants to set a standard.

My answer to that is, to do so would be to adopt in law six arbitrary standards instead of one—one arbitrary standard for each class.

I do not think we should legislate that way. I think what we ought to do is, at least for a brief period of time—have the people who are designated by law as experts look at all the criteria which are relevant to the setting of fuel economy standards, including safety, impact on jobs, cost, short-term versus long-term benefits, and the other criteria that I mentioned. Then if they do not act within 15 months, we have an expedited process to guarantee that alternatives can be considered by the Congress by under expedited procedures. If they do adopt a regulation that we do not like, under existing law, there is a process called legislative review, under which we can veto that regulation. We have that option after a rational process is pursued.

We can either arbitrarily select a standard now, based on 1 of those 13 criteria—and even that is partial—or we could do something which, it seems to me, is a lot more rational, which is to tell that regulatory agency, which has that responsibility under law: These are our policies. We want you to consider all of these criteria to adopt a rule. If we do not like it, we are going to veto it. If you do not do it, we are going to have an expedited process to consider it.

Madam President, I do not know if there is anybody else who seeks recognition. I see none.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY DERIVATIVES TRAINING

Mr. ENZI. Madam President, I rise to address the issue of derivatives. The name itself would almost put people to sleep; the details of it are very complicated. It is a process that is done by major corporations, which is what brings it to our attention at the mo-

ment. Unfortunately, the proposition that is before us is an answer looking for a problem. It is not a solution to what has happened.

Enron has raised many concerns regarding the state of our energy markets. However, as investigations into the collapse of the company are showing, the failure of Enron was likely due to unethical and possibly illegal accounting techniques used by executives at the company. We need to make one thing clear: The trading of energy derivatives had nothing to do with the collapse of Enron. In fact, Enron's trading platform was one of the most lucrative parts of the company.

Enron is not an accounting problem; it is not a business problem. It is probably a fraud problem.

During debate on the Commodities Futures and Modernization Act, we examined extensively the oversight and regulation of energy derivatives. It was done the right way. It was done with hearings, with committee markup, with floor debate. This has been brought directly to the floor. It has bypassed the other processes.

What we concluded using the correct process was the proper amount of oversight for a new and emerging business. We did the debate on the Commodities Futures and Modernization Act, and we examined extensively the oversight and regulation of the energy derivatives—the way it is supposed to be done. What we concluded was the proper amount of oversight for a new and emerging business had been put into law.

If we start to regulate an industry that is in its infancy, we run the risk of stifling competition and reducing the possibility of it reaching its full potential.

Federal Reserve Chairman Alan Greenspan testified last week before the Senate Banking Committee. I want to echo a few of his comments regarding the regulation of energy derivatives.

Chairman Greenspan said it was crucially important that we allow those types of markets to evolve amongst professionals who are most capable of protecting themselves far better than either we, the Fed, CFTC, or the OCC could conceivably do. The important issue is that there is a significant downside if we regulate where we do not have to in this area. Because one of the major—and indeed the primary—areas for regulation and protection of the system is counter-party surveillance—that the individual private parties, looking at the economic events of the status of the people with whom they are doing business. . . . We've got to allow that system to work, because if we step in as government regulators, we will remove a considerable amount of the caution that is necessary to allow those markets to evolve. And while it may appear sensible to go in and regulate, all of our experience is that there is a significant downside when you do not allow counter-party

surveillance to function in an appropriate manner.

I think we are glazing the eyes over here, but essentially Mr. Greenspan said it is too early to do anything based on the act that we already did.

Selling derivatives is a way for companies that can't afford risk to pass it on to companies that are willing. We have done that for a long time in the insurance business. This is another form of corporate insurance.

There is no indication that trading of energy derivatives contributed in any way to the collapse of Enron. However, if, in fact, Members think we need to look at legislation in this area, we should examine it in a reasonable process—not by offering on the floor amendments to a newly enacted piece of legislation. I certainly appreciate and respect Members' attention to examining the energy markets, but we should take that through the committee process so Members have a chance to hear testimony and pose questions to experts in this area.

It is a difficult area; it is a complicated area. Supporters of this amendment claim that Enron has such a large market share of this business that they were able to provide undue influence over the energy trading.

To the contrary, during and after the collapse of Enron, there were no interruptions of trading. Other market participants stepped in and assumed volume. There were no price swings or collapses of the energy market. This is a perfect example of market forces working the way they were intended.

The CFMA provided legal certainty for commercial parties not executed on futures exchanges—legal certainty, taking away some of the risk, selling some of the risk. This amendment could be interpreted to cover all transactions between commercial parties conducted either by e-mail or over the phone. The effect of this amendment would likely be decreased market liquidity because of increased legal and transactional uncertainties. Additionally, energy companies may be discouraged from using derivatives to hedge price risks. This could result in more price volatility in energy markets, which will hurt the very consumers the legislation seeks to help.

This amendment would also require electronic trading exchanges to set aside capital, even if they do not participate in trading. For instance, the Intercontinental Exchange allows buyers and sellers of energy derivatives to exchange offers through an electronic program. This exchange is already regulated by the CFTC and gives the CFTC access to its trading screens. This amendment would require the Intercontinental Exchange to set aside capital, even though it only facilitates transactions and does not trade. This requirement could force ICE to cease operations—forcing buyers and sellers of energy derivatives into the over-the-counter market. This is why CFTC Chairman Newsome has said the CFTC does not require this new authority.

Because of my concern for this issue, I recently wrote to the Chairman of the Securities and Exchange Commission to get his views regarding this amendment. Mr. Pitt responded:

The Securities and Exchange Commission believes this legislative change is premature at this time.

I ask unanimous consent that this entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SECURITY
AND EXCHANGE COMMISSION,
Washington, DC, March 11, 2002.

Hon. MICHAEL B. ENZI,
U.S. Senate, Senate Russell Office Building,
Washington, DC.

DEAR SENATOR ENZI: Thank you for your letter concerning proposed amendment #2989 (Congressional Record, March 7, 2002, p. S1685), introduced by Senator Dianne Feinstein and others, to S. 517, the pending Senate energy legislation. This amendment would repeal key provisions enacted as part of the Commodity Futures Modernization Act (P.L. 106-534) applicable to over-the-counter derivatives contracts in certain energy products.

The Securities and Exchange Commission believes this legislative change is premature at this time—barely more than a year after the CFMA's enactment. Because of on-going federal investigations, the lack of rigorous analysis about the CFMA's effect on the derivatives markets as a whole, and the absence of a determination about what role (if any) over-the-counter derivatives played in the collapse of Enron or the California energy crisis of last summer, we do not believe that any action should be taken until all of the facts are available for evaluation.

Thank you for giving the Commission an opportunity to comment on this legislative proposal.

Yours truly,

HARVEY L. PITT,
Chairman.

Mr. ENZI. I ask that Members step back and, if there is a problem, let's address it in a responsible manner through the normal process. Let's begin to hold hearings on energy trading, and after we have had time to evaluate what we have learned, we can look forward to a reasonable solution. This is too early and takes away the opportunity to sell off risk by some other companies. I ask for you to defeat the amendment.

I yield the floor.

IRAQ

Mr. MURKOWSKI. Madam President, I refer my colleagues to an incident that has perhaps occurred without the knowledge of those who are lamenting that our dependence on imported oil has been relieved somewhat because prices are down.

I call to the attention of my colleagues the fact that oil is now at a 6-month high. It is over \$24.50 a barrel and going up. It is the highest in 6 months. This is caused by the cartel called OPEC and its commitment to maintain a price level somewhere between \$22 and \$28. They do that by addressing the supply of oil on the world market.

Another very significant event occurred yesterday. This event was the response of Saddam Hussein to a request from the United Nations that inspectors again be allowed into Iraq. Saddam Hussein in effect told us to take a hike. He refused to allow inspectors into his country. We have not had inspectors in there in over 2 years.

What does this mean? It is in the eyes of the beholder, but clearly he has made his call. The next call has to be made by our President and the U.N. Are we going to force our inspectors to go into Iraq? What are the circumstances surrounding this issue?

One can conjecture that if we look at bin Laden, at the al-Qaida, we will wish we would have taken action prior to what occurred in association with the terrorist attacks on New York at the Twin Towers, the Pentagon, and the situation we are in of fighting terrorism. Could we have initiated an action sooner?

We could have, but we didn't. In the case of Iraq, the recognition that we all are very much aware that Saddam Hussein is proceeding with weapons of mass destruction, many of my colleagues perhaps saw the CNN hour program the night before last on Iraq, the fact that he is using poison gas on some of his own people; that he has developed mass destruction weapons with warheads that obviously have biological as well as perhaps nuclear capability, clearly a delivery system that would take them from Iraq to Israel, one has to wonder just when we are going to address this reality and how we are going to do it.

I won't belabor my point other than to try and draw some attention to the fact that, indeed, it is a time for alarm. This is a time when the United States is importing from Iraq nearly 800,000 barrels of oil a day. As we reflect on how to relieve that increasing dependence, how do Members reflect upon just how serious a threat Saddam Hussein is to peace in the western world? How do we address our concern over the reality that he has weapons of mass destruction? How are we going to reflect on just how we are going to reduce our dependence on oil from the Mideast when we look to the Saddam Husseins of this world to provide us with our needed oil as opposed to developing oil reserves here at home, either in the Gulf of Mexico or in the State of Alaska?

This is a factor we will have to face because at some point in time, clearly, we will have to address the threat of Iraq and Saddam Hussein. It is my hope that we can somehow prevail on getting inspectors in there and relieving this threat. Saddam Hussein has clearly told us otherwise. He told us yesterday to go take a hike.

I know the beliefs of the Chair with regard to the national security interests of our Nation as we continue to depend on unstable sources for our energy. I wish that more Members would concern themselves with this threat.

IN MEMORY OF TECHNICAL SERGEANT JOHN A. CHAPMAN

Mr. SANTORUM. Madam President, I rise today to recognize the heroic life of Technical Sergeant John A. Chapman, whose family is from Windber, PA. Sergeant Chapman, who was buried today, was killed on Monday, March 4th, during a fierce firefight after his helicopter was shot down by al-Qaida fighters in Afghanistan.

Sgt. Chapman, who was only 36 years old, is survived by Valerie, his wife of 10 years, and by their 2 young daughters, Madison age 5, and Brianna age 3. While I know that this loss is devastating to the entire Chapman family, I can confidently say to Sgt. Chapman's two young daughters that their daddy died for a great cause and that this cause was to protect the world and this Nation against evil people. These people seek to destroy the very foundation of our country which allows all of us to be free and safe and prosperous.

As a Nation, we have been very fortunate in recent years; we have not had to face many casualties while defending our freedom. The death of Sgt. Chapman and the seven other servicemen killed last week really hit home. These losses are painful, but this war has a real purpose, and a real national security implication. In my mind, the sacrifice made by these men is as important as any made during the great wars that we have fought in the past. We never like to lose even a single life. Each casualty we read about in the newspapers means the world to someone who has lost a father, a brother, or a friend. I grieve with the Chapman family and all of the families that have made this ultimate sacrifice, but it is important to remember that they did not die in vain. Our thoughts and prayers are with the Chapmans as they go through this difficult time. Sgt. Chapman died to protect the core values which define our country, and we will always remember him as a hero.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 21, 1999 in Maple Grove, MN. Two men shoved a lesbian woman, verbally assaulted her, and then attacked her. The assailants, two 21-year-old men, were charged with a hate crime in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation,

we can change hearts and minds as well.

CHILDREN AND HEALTHCARE WEEK

Mr. HOLLINGS. Madam President, each day many of our Nation's children face illnesses that require a doctor's office or hospital visit. This can be a frightening experience, and underscores the need to provide quality pediatric health services, while easing the stress children and their families feel. The week of March 18th in Greenville, SC, The Greenville Hospital System Children's Hospital is celebrating Children and Healthcare Week with a number of valuable activities for health care professionals, parents, and community partners.

The activities are aimed at increasing public, parental, and professional knowledge of the improvements that can be made in pediatric health care. In particular, it stresses new ways to meet the emotional and developmental needs of children in health care settings. Among the scheduled events are: continuing education classes for medical residents and support staff, an awards ceremony to honor local individuals who have dedicated their lives to pediatric care, a special tribute service to honor children, and a family event for employees. Lack of quality health care should never be an impediment to the long-term success of our nation's children, and I commend Greenville's dedication to Children and Healthcare Week.

RECOGNITION OF WOMEN'S HISTORY MONTH

Mr. SARBANES. Madam President, I rise today in recognition of Women's History Month. This time has been appropriately designated to reflect upon the important contributions and heroic sacrifices that women have made to our Nation and to consider the challenges they continue to face. Throughout our history, women have been at the forefront of every important movement for a better and more just society, and they have been the foundation of our families and communities.

In Maryland, we are proud to honor those women who have given so much to improve our lives. Their achievements illustrate their courage and tenacity in conquering overwhelming obstacles. They include Margaret Brent, who became America's first woman lawyer and landholder, and Harriet Tubman, who risked her own life to lead hundreds of slaves to freedom through the Underground Railroad. Dr. Helen Taussig, another great Marylander, developed the first successful medical procedure to save "blue babies" by repairing heart birth defects. Her efforts laid the groundwork for modern heart surgery. We are all indebted to Mary Elizabeth Garrett and Martha Carey Thomas who donated money to create Johns Hopkins Med-

ical School on the condition that women be admitted. And jazz music would not be complete without the unforgettable voice of jazz singer Billie Holiday who also hailed from Baltimore City. Their accomplishments and talent provide inspiration not only to Marylanders, but to people all over the globe.

My good friend and colleague from Maryland, Senator BARBARA MIKULSKI, is a tremendous example of the commitment and dedication women give to public service. From her background as a social worker to her election to the U.S. Senate, Senator MIKULSKI, who has served longer than any other woman currently in the Senate has always worked to ensure all people are treated fairly. She appropriately played a key role in establishing this month when in 1981, she cosponsored a resolution establishing National Women's History Week, a predecessor to Women's History Month. Today, I wish to honor her dedication and service to the people of Maryland and this Nation.

While we recognize famous women, it is important that we acknowledge the contributions of others who daily touch our lives: Our favorite teacher who gives us the confidence and knowledge to know that we were capable of success; the single mother or grandmother who toiled at a low-paying job for years to guarantee that the next generation in her family received better education and career opportunities; and the professional women who volunteer the little spare time they have to read to children or speak to student groups, inspiring young people to aim for goals beyond what they may have otherwise imagined.

Women's History Month is a fitting time to honor the women of the Armed Services who risk their lives in our fight against terrorism. From the American Revolution and the Civil War through modern day armed conflict, American women have sacrificed next to their husbands, sons, brothers and fathers to preserve the freedom upon which this Nation was founded. Currently, more than 6,000 women in the Armed Services are courageously fighting in our war against terrorism and almost 15 percent of the 1.4 million soldiers volunteering in our military are women. These modern day heroines, giving of their time, knowledge, and lives should not be taken for granted.

Women have made great strides in overcoming historic adversity and bias but they still face many obstacles. Unequal pay, poverty, inadequate access to healthcare and violent crime are among the challenges that continue to disproportionately affect women. Working women earn 74 cents to every dollar earned by men. What is more troubling is that the more education a woman has, the wider the wage gap. According to a recent Census Bureau report, the average American woman loses approximately \$523,000 in wages and benefits over a lifetime because of

wage inequality. Families with a female head of household have the highest poverty rate and comprise the majority of poor families.

Women continue to be under-represented in high-paying professions and lag significantly behind men in enrollment in science programs. A recent General Accounting Office study found that, after controlling for education, age and race, women managers still earned less than full-time male managers. Increasing the number of senior level women in all fields begins with encouraging girls' interest and awareness in school illustrating that their options are limitless.

As our population ages, we must also address the special challenges of older women. Women live an average of 6 years longer than men. Consequently, their reduced pay is even more detrimental given their increased life expectancy as they are forced to live on less money for a longer period of time. In addition, more women over age 65 tend to live alone at a time when illness and accidents due to decreased mobility are more likely. For these women, it is imperative that we guarantee that Social Security and Medicare remain solvent for future generations.

I believe we should use this month as an opportunity to reflect not only on the achievements and challenges of American women, but to recognize those of women internationally. We know that a variety of ills hinder the potential of women in many parts of the world, labor practices that oppress women and girls, the rapid spread of HIV and AIDS, and limited or non-existence suffrage rights. We must broaden access to education, the political process, and reproductive health globally so that girls and women everywhere can maximize their options. To have a credible voice in the international arena, the United States must lead by example, showing that American women enjoy these rights fully.

During my service in Congress, I have strongly supported efforts to address women's issues and eradicate gender discrimination and inequality. I have co-sponsored the Paycheck Fairness Act, which would provide more effective remedies to victims of wage discrimination on the basis of sex. I have also supported the Equity in Prescription Insurance and Contraceptive Coverage Act, which would prohibit health insurance plans from excluding or restricting benefits for prescription contraception if the plan covers other prescription drugs. In order to build a national repository of the contributions of women to our Nation's history, I co-sponsored legislation to establish a National Museum of Women's History Advisory Committee. In addition, I remain a consistent supporter of an equal rights amendment to the Constitution. I am proud of these efforts and I will continue my commitment to bring fuller equality to all women.

While obstacles remain, women have achieved impressive progress. This

good news includes a decline in the poverty rate for single women and an increase in those holding advanced degrees. Recent figures show women received approximately 45 percent of law and 42 percent of medical degrees awarded in this country. This is a dramatic improvement from a few decades ago and should continue as more and more women enter professional programs.

In my home State of Maryland, as in the Nation, women are a guiding force and a major presence in our national business sector. From 1987 to 1999, the number of women-owned firms in the United States grew by 103 percent. Women were responsible for 80 percent of the total enrollment growth at Maryland colleges and universities throughout the last two decades.

Indeed women continue to make great progress. As we highlight their accomplishments in history this month, I believe it is also important to educate present and future generations about gender discrimination so that we do not repeat past mistakes. America must remain vigilant in eradicating these injustices. I am confident that the women of America will lead this journey and continue to exemplify and advocate for those values and ideals which are at the heart of a decent, caring and fair society.

INTERNATIONAL WOMEN'S DAY

Mrs. FEINSTEIN. Madam President, history has shown us that a Nation dedicated to equal rights for women and girls is a more prosperous Nation, a healthier Nation, a more educated Nation, a more just Nation, a more peaceful Nation, and a more democratic Nation. Today I rise once again to add my voice and stand in solidarity with women and girls around the world in their struggle for basic human rights. I rise to commemorate March 8, 2002, International Women's Day.

Until the entire world recognizes the simple fact expressed by my friend and colleague, Senator CLINTON, that "women's rights are human rights" we must continue to raise awareness about the plight of women and girls around the world and in our own country. Indeed, while I have been encouraged by the gains made since the United Nations first designated March 8 as International Women's Day in 1975, there is still a great deal of work ahead of us and I would like to take this time to discuss several critical issues that I believe are vital to the lives of women and girls and require U.S. leadership: international family planning assistance, the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, rape as an instrument of war, and the plight of women in Afghanistan.

Each of us, I believe, understands very well the issue of United States assistance to international family planning organizations. There have been few issues in recent years that have

been more debated, with people of good intentions on both sides of the issue. Consequently, I was dismayed that the Bush Administration considered withholding the \$34 million U.S. contribution to the United Nations Population Fund, UNFPA, an amount allocated to it by law and, after months of negotiations, and with bipartisan support. I wrote to President Bush urging him not to withhold the funds as such a decision would be a serious mistake and a blow to U.S. leadership in combating overpopulation.

You simply cannot deny the importance of family planning assistance, especially for the very poor. There are now more than 6 billion people on this Earth. The United Nations estimates this figure could be 12 billion by the year 2050. Almost all of this growth will occur in the places least able to bear up under the pressures of massive population increases. The brunt will be in developing countries lacking the resources needed to provide basic health or education services.

Let us strive to ensure that women have access to the educational and medical resources they need to control their reproductive destinies and their health so that they will be able to better their own lives and the lives of their families.

Everyone should recognize that international family planning programs reduce poverty, improve health, and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

We must counter the attacks made by the anti-choice wing of the Republican party in recent years and make it perfectly clear that no U.S. international family planning funds are spent on international abortion.

It is worth noting that the Department of State recognized the vital role of the UNFPA in family planning assistance and provided \$600,000 to the Fund for sanitary supplies, clean undergarments, and emergency infant delivery kits for Afghan refugees in Iran, Uzbekistan, and Tajikistan. This is just one of many examples of UNFPA's commitment to bettering the lives of women and children around the world.

Since the debate is unlikely to end, we must work harder to ensure that the United States reclaims its leadership role on international family planning and reproductive issues. On International Women's Day, I urge my colleagues to support full funding for the UNFPA and other international family planning programs.

Another year has gone by and I am saddened and disappointed to note that the Senate still has not acted on the Convention to Eliminate All Forms of Discrimination Against Women. It has been more than twenty years since the United States actively participated in drafting the Convention and President Carter signed it on July 17, 1980. Yet, we are still waiting for the United States, the lone superpower and cham-

pion of democracy and human rights, to take a stand for the rights of women and girls and ratify the convention.

Notably absent from the list of 161 countries who have ratified the convention, the United States joins a rather dubious club of non-ratifiers: Iran, North Korea, and Sudan. Surely this is not the company we want to keep. Surely we want to be known as a leader when it comes to defending the human rights of women and girl who are unable to defend themselves.

Do we want to be the lone democracy not to ratify? Do we want to watch China, the People's Republic of Laos, and Iraq, countries we regularly censure for human rights abuses and who have either signed or agreed in principle, pass us by?

There is no reasonable justification for our failure to act. Is the convention a technically demanding agreement requiring years of study and investigation? Does it ask the United States to go far beyond our own goals and ideals? Nothing could be further from the truth.

Here is what the convention says: It requires States to take all appropriate steps to eliminate discrimination against women in political and public life, law, education, employment, health care, commercial transactions, and domestic relations. Nothing more, nothing less. Simplicity is the hallmark of this agreement.

Every day that goes by without ratification, we further risk losing our moral right to lead in the human rights revolution. By ratifying the convention, we will demonstrate our commitment to promoting equality and to protecting women's rights throughout the world. By ratifying the convention, we will send a strong message to the international community that the U.S. understands the problems posed by discrimination against women, and we will not abide by it. By ratifying the convention, we reestablish our credentials as a leader on human rights and women's rights.

As we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify the convention on discrimination against women.

Eliminating the use of rape as an instrument of war must be a high priority for the United States and the international community. It is an issue that continues to cause me great concern.

We have seen in recent years how rape has moved from being an isolated by-product of war to a tool used to advance war aims. In Bosnia, Rwanda, and East Timor soldiers and militia-men used rape on a organized, systematic, and sustained basis to further their goal of ethnic cleansing. In some cases, women were kidnaped, interned in camps and houses, forced to do labor, and subjected frequent rape and sexual assault.

Something had to be done and so I was pleased that the United Nations, in

setting up the war crime tribunals for the Balkans and Rwanda, recognized rape as a war crime and a crime against humanity.

Finally, on February 22, 2001, following a period of inaction when it appeared that those indicted for perpetrating these crimes would not be brought to justice, the international tribunal in The Hague sentenced three Bosnian Serbs to prison for rape during the Bosnian war. I was very pleased the court took this step but we still have a long ways to go. Estimates are that up to 20,000 women in Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. Many perpetrators still remain at large.

Nevertheless, the court has stated loud and clear that those who use rape as an instrument of war will no longer be able to escape justice. They will be arrested, tried, and convicted. As Judge Florence Mumba of Zambia stated, "Lawless opportunists should expect no mercy, no matter how low their position in the chain of command may be."

I commend the victims who courageously came forward to confront their attackers and offer testimony that helped lead to the convictions. I am hopeful more will come forward. On International Women's Day, I urge the administration and the international community to join me in continuing the fight to end the practice of rape as an instrument of war, and to pursue justice for its victims.

For years when I addressed the condition of women and girls in Afghanistan, I did so with a sense of sadness, anger, and despair. I now do so with a sense of optimism, hope, and determination.

One of the great stories of our campaign against terrorism is the liberation of the women and girls of Afghanistan from the chains imposed on them by the Taliban regime. We all know the story of how women and girls were treated: banned from work and school, confined to their homes behind darkened windows, and required to wear full-length veils, or burka, and to be accompanied by a male relative when in public.

Now, the women of Afghanistan, who have suffered under brutal regimes and seen their families destroyed by war, are beginning to leave their homes without fear, earn a living, receive desperately needed medical attention, get an education, and participate in public life. I am especially pleased that Afghanistan's interim leader, Hamid Karzai, picked two women to serve in his Cabinet. It is a welcome change from the past and a step toward equal rights for all Afghans.

Clearly, there is much work to be done to improve the lives of women and girls in Afghanistan and the United States must be actively involved in that endeavor. I was proud to co-sponsor S. 1573, the "Afghan Women and Children Relief Act of 2001," which authorized the President to provide edu-

cational and health care assistance for the women and children living in Afghanistan and as refugees in neighboring countries. President Bush signed the bill into law on December 12, 2001. This is the first step of a long journey and I urge my colleagues to stay the course and support additional assistance in the coming years ahead.

On International Women's Day, let us reaffirm our commitment to a better future for the women and girls of Afghanistan. We must let them know that they are no longer alone, that we will stand by their side, and we will not abandon them again.

We must debate and ratify the convention on the Elimination of All Forms of Discrimination Against Women. We must rededicate ourselves and our resources to international family planning programs. We must not ignore the use of rape as an instrument of war. We must help the women and girls of Afghanistan realize their hopes and dreams.

We cannot afford to remain silent. We cannot afford to place women's rights on a second tier of concern of U.S. foreign policy. On International Women's Day, the United States and the international community must take a strong stand and issue a clear warning to those who attempt to rob women of basic rights that the world's governments will no longer ignore these abuses, or allow them to continue without repercussion.

Mr. DURBIN. Madam President, as we celebrate National Women's History month, I rise to pay tribute to the extraordinary women, past and present, who have shaped the rich history of our great Nation.

The month of March has been designated as National Women's History month to celebrate the remarkable accomplishments of women throughout history. My distinguished colleagues, Senator BARBARA MIKULSKI and Senator ORRIN HATCH, cosponsored legislation over 20 years ago declaring National Women's History Week. I salute my colleagues for their leadership in establishing this now month-long celebration of the many contributions made by women.

This year's national theme, "Women Sustaining the American Spirit," could not be more appropriate. Our Nation prides itself on the accomplishments of women and their ability to fully participate in our society. I have the distinct privilege of working with 13 women Senators who are powerful examples of the progress that our Nation has made. This spirit of democracy was tested on September 11, when we were reminded that our ideals continue to threaten those who fear the inevitability of progress.

As a consequence of these events, Americans were exposed to the disturbing plight of women in other parts of the world. We learned that under the oppressive Taliban regime, women could not work outside the home and were denied basic rights such as access

to education and health care. Not only were women precluded from contributing to society, but they were denied equal protection under the law.

The attacks faced by our country were aimed at undermining the great strides we have made in our history. Yet the rest of the world watched as our Nation united and demonstrated that even a devastating attack could not crush our spirit—an American spirit that has been molded by the accomplishments of women throughout our history, including the legacy left by a well-known Illinois woman.

Jane Addams of Chicago, IL, was a socially conscious community leader who worked tirelessly to sustain the American spirit. Addams founded the famous Hull House settlement in Chicago in 1889, where she and other residents provided services for the surrounding neighborhood. These vital services included kindergarten and daycare facilities for children of working mothers, an employment bureau, medical care, legal aid, and vocational skills. After a few short years, the settlement was serving over 2,000 people a week.

Despite the enormous success of her charitable efforts, Addams realized that real gains could not be achieved without working to change laws for the better. To achieve this goal, Addams lobbied the State of Illinois to examine laws governing child labor, the factory inspection system, and the juvenile justice system.

As we celebrate the contributions that women have made, the legacy of Jane Addams reminds us of the continuing need for improvement in the areas of social reform that she worked so tirelessly on several years ago. Today, parents rely on childcare arrangements more than ever. The Children's Defense Fund reports that an estimated 13 million children under the age of 6 spend part of their day in the care of someone other than their parents. In Illinois, 61 percent of all children under the age of 6 have working parents. Yet working families at all income levels still struggle to find the high-quality care their children need at a cost that is affordable. Full day care can cost between \$4,000 and \$10,000 per year, frequently surpassing average tuition costs for public universities. At the same time, the Children's Defense Fund reports that more than one out of four families with young children earns less than \$25,000 per year.

Today, parents also encounter a childcare system that is an uneven and inadequate patchwork of services. States and cities vary widely in the areas of provider education and training requirements, availability, and quality of programs. The gap between what we know is so important for children and what we put into practice is too large. As a nation, we have an interest in healthy, successful children who have the tools they need to learn in the classroom. We have an interest in improving child care so that more

families can move off welfare into a steady career. We have an interest in educating and training women so that they can get jobs with decent pay to support their families. As a nation, we should embrace the legacy that Jane Addams has left behind by working on these issues which are in desperate need of reform.

In this month of March, let us not only celebrate the accomplishments of the women who have shaped our Nation's rich history, but let us work to keep their vision alive by continuing to sustain the American spirit that these women helped define.

CELEBRATING NINETY YEARS OF GIRL SCOUTS

Mrs. CARNAHAN. Madam President, today I commend the Girl Scouts of America on the anniversary of its 90th year of operation.

The objective of the Girl Scouts is "to discover the fun, friendship, and power of girls together." Experiences such as field trips, community service, and working with others help them to develop their full potential. These actions are greatly needed in America and an amazing feat when you consider that 99 percent of all adults that participate in leading the Girl Scouts are volunteers. The effects of this organization extend not from one generation but to many, with the oldest active member being 97, and the youngest, the new Brownie, starting out at age 5.

The Girl Scouts is a quintessential American institution that has exported its successful strategy to 140 countries, and a worldwide family of 8.5 million girls. The Girl Scouts participate in cultural exchanges that allow many to gather worldwide experiences that they otherwise would not have been able to attain. There is even a bi-partisan Troop Capitol, made up of Congressional members from both the Senate and House. The women of the Senate have dedicated the book *Nine and Counting* to the girls of America, with some of the proceeds going to the Girl Scouts.

The GSA has spent much of its time teaching young women about professional fields that do not ordinarily attract women. The past year's focus was the field of engineering. The girls not only studied engineering but also had the opportunity for a hands-on approach, thanks to the Society of Women Engineers donating their time. Girls succeed when we set the bar high for them. The Girl Scouts gives them the skills, but more importantly the confidence, to reach these goals and beyond.

We must thank Juliette Gordon Low, who on this day in 1912 founded the Girl Scouts. Her desire and foresight to create an organization for young girls started with 18 girls and a budget that was funded by selling her pearl necklace. It has become one of the most recognized organizations in America.

Though some traditions thankfully remain steadfast, notably the excep-

tional Thin Mint cookies, the GSA has evolved to address the events of the day. From Women's Suffrage to Civil Rights to the environment, this organization has not backed away from taking a stand on the issues. They have an amazing past and a bright future. I am sure they will continue to be a force to be reckoned with, a positive force shaping the lives of tomorrow's leaders. Congratulations to the Girl Scouts and thank you to all those who have contributed their time, energy, and love to making this organization an American success story.

ADDITIONAL STATEMENTS

HONORING THE UNIVERSITY OF KENTUCKY CHEERLEADING SQUAD

• Mr. BUNNING. Madam President, today I have the privilege and honor of sharing with my fellow colleagues the most recent and astounding accomplishment of the University of Kentucky Cheerleading squad. This year the UK Cheerleaders won their eighth straight Universal Cheerleaders Association's, UCA's, National College Cheerleading Championship for NCAA Division 1-A schools. These young men and women deserve our recognition and admiration for their efforts.

The UK squad has now won UCA's National Championship an unprecedented twelve times, in 1985, 1987, 1988, 1992, and 1995–2002, more than any other Division 1-A school. In fact they are the only squad to ever win back to back championships twice and also the only team to win three, four, five, six, seven, and now eight titles in a row. They are widely recognized as the best of the best in the Cheerleading community and have been a key contributor to the University's athletic success. The Wildcat basketball team is arguably the most storied program in the Nation and much of their success can be attributed to the enthusiasm and spirit generated by the Cheerleading squad. For those who have never had the opportunity of seeing a game in Rupp Arena, I can tell you that the atmosphere is absolutely electric.

Besides the attention they receive on the court from the UK students and fans, the Cheerleading squad has also been covered by the national media. The squad has been featured on such programs as, "Evening News," Connie Chung's "Eye to Eye," and the "CBS Morning Show," as well as in "Southern Living," "Gentlemen's Quarterly," "ESPN the Magazine," and "Seventeen" magazines. This recognition does not come without a price however. These young men and women sacrifice a considerable amount of their time and energy practicing, learning, and mastering their extremely difficult routines. This often means long practices and endless hours in the weight room. These young men and women are athletes in every sense of the word.

I applaud the University of Kentucky Cheerleading squad for their commit-

ment and dedication to their goals and dreams. They represent the University and the Commonwealth of Kentucky in a classy and professional manner. I am proud of each and every one of them.●

ESSEX FELS CELEBRATES CENTENNIAL

• Mr. CORZINE. Madam President, it is with great pride that I bring to your attention a lovely hamlet in Essex County, NJ, Essex Fells, which is celebrating its centennial year on March 31, 2002. Incorporated as a borough on March 31, 1902, it is governed by an elected body consisting of a mayor and six council members.

Essex Fells is the smallest community in Essex County, covering an area of a little more than 1.3 square miles. However, within the small confines of this bucolic community, Essex Fells maintains many areas for the enjoyment of its residents. The Glen is a green open space that contains native trees, shrubs, vines, and flowers. The Trotter Tract is an 83-acre area that is home to many species of flora and fauna and beautiful nature trails. Each autumn, the brook that runs through Essex Fells is dammed to create a skating pond. Grover Cleveland Park, a county park of approximately 42 acres of lush manicured lawns and large trees, borders Essex Fells and Caldwell, NJ.

Rich in history, the township was established in 1699 by Robert Treat and Jasper Crane and settled by people migrating from Connecticut. A land blessed with rolling farmland and wooded retreats, the acreage was originally named Newark after their home in England—Newark on Trent. Shortly after that, the settlers petitioned the crown for the title to their new homeland. It was granted and in 1701 the settlers purchased an additional 13,500 acres from the Native Americans for \$325,000. Realizing the value of this land, the Crown attempted to rescind the settlers' title and the colonists subsequently revolted earning the area the nickname, "the cockpit of the American Revolution."

In the late 1800s, Anthony J. Drexel, of the Philadelphia banking family, who had successfully developed other residential communities acquired the estate of General William Gould to form a planned residential community. Named for Drexel's son-in-law—John R. Fell and the county, Essex—Essex Fells developed as many turn of the century communities did, as a direct result of the growth of the railroad system. All the same, much care was given to maintain the tranquility and serenity of the original community.

One hundred years later, Essex Fells is still an ideal "small town community." The neighborhoods remain tree-lined and neighbors know each other. Most recently, citizens of Essex Fells were called into service following the horrific attacks on the World Trade Center. Fire Chief Rupert Hauser and

the Essex Fells Volunteer Fire Department immediately deployed to New York to cover station houses for New York firefighters while they worked at Ground Zero on the search and rescue efforts.

I invite my colleagues to join me in congratulating Mayor Edward Abbott and the citizens of Essex Fells on their centennial. May they have another hundred years of prosperity and community.●

TWO CALIFORNIA TEAMS ON CHAMPIONS DAY

● Mrs. BOXER. Madam President, today I would like to honor two national collegiate championship teams from my State of California. They are great examples of team spirit and co-operation: the Santa Clara University women's soccer team and the Stanford University women's volleyball team.

The Santa Clara University women's soccer team won the 2001 NCAA College Cup Championship this past fall. The team won its first national title in their fifth trip to the College Cup, and this is the first outright NCAA championship in the school's history.

The members of the 2001 Santa Clara University women's soccer team are: Holly Azevedo; Jessica Ballweg; Emma Borst; Lana Bowen; Jaclyn Campi; Kristi Candau; Ynez Carrasco; Kerry Cathcart; Devvyn Hawkins; Bree Horvath; Anna Kraus; Leslie Osborne; Erin Pearson; Chardonnay Poole; Erin Sharpe; Katie Sheppard; Danielle Slaton; Alyssa Sobolik; Taline Tahmassian; Allie Teague; Aly Wagner; and Veronica Zepeda.

I congratulate the team and their head coach, Jerry Smith.

The Stanford University women's volleyball team won the 2001 NCAA National Championship this past fall. The team won its fifth national championship, which is a record.

The members of the 2001 Stanford University women's volleyball team are: Michelle Chambers; Tara Conrad; Sara Dukes; Leah Hall; Jennifer Harvey; Jennifer Huckle; Ashley Ivy; Emily Lawrence; Robyn Lewis; Sara McGee; Ogonna Nnamani; Anna Robinson; Sara Sandrik; and Logan Tom.

I congratulate the team and their head coach, John Dunning.

Both teams are an inspiration to all, especially to young women and girls who are themselves members of sports teams. I wish all the team members the best in whatever road they find themselves on after this great accomplishment.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting a withdrawal and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

The following presidential message was laid before the Senate together with accompanying reports, which was referred as indicated:

PM-73. A message from the President of the United States, transmitting, pursuant to law, the Agreement Between the Government of the United States of America and the Government of Australia on Social Security; to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the Government of the United States of America and the Government of Australia on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement along with a paragraph-by-paragraph explanation of each provision. The Agreement was signed at Canberra on September 27, 2001.

The United States-Australia Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Australia Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Australia Social Security Agreement and related documents.

GEORGE W. BUSH.

THE WHITE HOUSE, March 12, 2002.

PRESIDENTIAL MESSAGE

The following presidential message was laid before the Senate together with accompanying reports, which was referred as indicated:

PM-74. A message from the President of the United States, transmitting, pursuant to law, the Periodic Report on Telecommunications Payments Made to Cuba pursuant to Treasury Department Specific Licenses; to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.

THE WHITE HOUSE, March 12, 2002.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5699. A communication from the Executive Officer, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "September 11th Victim Compensation Fund of 2001" ((RIN1105-AA79)(CIV104F)) received on March 8, 2002; to the Committee on the Judiciary.

EC-5700. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Extensions of Payments of Principal and Interest" (RIN0572-AB60) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5701. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Treasury Rate Direct Loan Program" (RIN0572-AB71) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5702. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Processing Fees" (FRL6774-3) received on March 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5703. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,4-D: Time-Limited Pesticide Tolerance" (FRL6827-1) received on March 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5704. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Community Income for Certain Individuals not Filing Joint Returns" (RIN1545-AY83) received on March 1, 2002; to the Committee on Finance.

EC-5705. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—October 2001" (Rev. Rul. 2002-4) received on March 1, 2002; to the Committee on Finance.

EC-5706. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Funding Relief Contained in Section 112 of the Victims of Terrorism Tax Relief Act of 2001" (Notice 2002-7) received on March 1, 2002; to the Committee on Finance.

EC-5707. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time for Performing Certain Acts Postponed by Reason of Service in a Combat Zone or a Presidentially Declared Disaster" (Rev. Rul. 2001-53) received on March 8, 2002; to the Committee on Finance.

EC-5708. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Equity Investment Prior to Section 45D9(f)(2) Allocation" (Notice 2001-75) received on March 4, 2002; to the Committee on Finance.

EC-5709. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure—Update of Rev. Proc. 2001-11 (Adequate Disclosure)" (Rev. Rul. 2001-52) received on March 8, 2002; to the Committee on Finance.

EC-5710. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mark-to-Market Election Under TRA '97 for Principal Residences" (Rev. Rul. 2001-57) received on March 8, 2002; to the Committee on Finance.

EC-5711. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proposed Revenue Procedure Regarding the Cash Method" (Notice 2001-76) received on March 8, 2002; to the Committee on Finance.

EC-5712. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2001-59—2002 Inflation-Adjusted Items" (Rev. Proc. 2001-59) received on March 8, 2002; to the Committee on Finance.

EC-5713. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of the Federal Designated Use for Shields Gulch in Idaho" (FRL7157-1) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5714. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Unregulated Contaminant Monitoring Regulation for Public Water Systems; Establishing of Reporting Date" (FRL7157-3) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5715. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Perfluoroalkyl Sulfonates; Significant New Use Rule" (FRL6823-6) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5716. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production" (FRL7155-9) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5717. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)" (FRL7155-8) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5718. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management Systems; Definition of Solid Waste; Toxicity Characteristic" (FRL7157-2) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5719. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation of Areas for Air Quality Planning Purposes; Ohio; Technical Amendment" (FRL7155-2) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5720. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act Section 111 and 112 Delegation of Authority Updates to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Puget Sound Clean Air Agency, and Spokane County Air Pollution Control Authority" (FRL7153-2) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5721. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Indiana" (FRL7155-3) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5722. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Gasoline Volatility" (FRL7152-1) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5723. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Administrative Changes and Technical Amendments" (7155-7) received on March 8, 2002; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Jeanette J. Clark, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Louis Kincannon, of Virginia, to be Director of the Census.

By Mr. KERRY for the Committee on Small Business and Entrepreneurship.

*Melanie Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. HATCH, Mr. JEFFORDS, Mr. KERRY, and Mr. TORRICELLI):

S. 2006. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Finance.

By Mr. INHOFE:

S. 2007. A bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetrated against the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG:

S. 2008. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Ms. COLLINS, and Ms. SNOWE):

S. 2009. A bill to amend the Public Health Service Act to provide services for the prevention of family violence; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. DURBIN, and Mr. HARKIN):

S. 2010. A bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 532

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 532, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 839

At the request of Mr. CLELAND, his name was added as a cosponsor of S.

839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 940

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 952

At the request of Mr. GREGG, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 960

At the request of Mr. CLELAND, his name was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 1210

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1210, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1475

At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes.

S. 1606

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1606, a bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1760

At the request of Mr. THOMAS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1760, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1786

At the request of Mr. DURBIN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1918

At the request of Ms. COLLINS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1918, a bill to expand the teacher loan forgiveness programs under the guaranteed and direct student loan programs for highly qualified teachers of mathematics, science, and special education, and for other purposes.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1931

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. RES. 207

At the request of Mr. BINGAMAN, the names of the Senator from Montana (Mr. BURNS), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Wisconsin (Mr. KOHL), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

S. CON. RES. 84

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution providing for a joint session of

Congress to be held in New York City, New York.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. HATCH, Mr. JEFFORDS, Mr. KERRY, and Mr. TORRICELLI):

S. 2006. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Finance.

Mr. GRAHAM. Madam President, today I am introducing legislation that will improve the effectiveness of one of the most effective programs we have to help Americans get affordable housing, the Low Income Housing Tax Credit. I am proud to be joined in this effort by my esteemed colleagues Senator HATCH, Senator JEFFORDS, Senator KERRY and Senator TORRICELLI.

The Low Income Housing Tax Credit was created in 1986 to attract private sector capital to the affordable housing market. It has been the major engine for financing the production of low income multi-family housing. The program offers developers and investors in affordable housing credit against their Federal income tax in return for their investment. Since its inception, the Low Income Housing Tax Credit has assisted in the development and availability of roughly 850,000 new and rehabilitated units of affordable housing.

Last fall, the Internal Revenue Service issued its first guidance in the program's 16 year history. That guidance was issued in the form of several technical advice memoranda, or TAMs, and specified which development costs will be eligible and ineligible for the credit, known as eligible basis.

TAMs are not official guidance, reviewed by the Treasury Department, but instead, IRS legal opinion providing direction to IRS agents conducting audits. They are not citable in court proceedings because they are not official guidance. In the absence of official guidance, TAMs could be taken as the official government position. In fact, that is exactly what is happening. The IRS's position is contrary to common industry practice, and eliminates many reasonable, legitimate and necessary costs from the tax credit. This has caused uncertainty among investors as to whether the credits for which they have been paid, will be realized. Moreover, these guidelines could adversely affect the ability of States to target affordable housing to those who need it the most.

It is important to understand, this legislation will not increase the number of low-income housing tax credits available. The maximum amount of credits that states may allocate to developers of affordable housing properties is set by the Internal Revenue Code. Thanks to legislation that we enacted in 2000, the amount available to each state has increased from \$1.50 to \$1.75 times the State's population.

That 40 percent increase is expected to produce about 30,000 more units a year. Since the unmet demand for affordable housing is many times greater than what can be built with the help of the credit, our legislation should not affect revenues. In fact, the only way for this legislation to have a revenue impact is if the legislation makes it easier for the States to use the credits we intend for them to have under present law.

What this legislation does do, however, is very important. To understand its importance, it may be useful to have a little background on how the low-income housing tax credit works.

In economic terms, the credit is equity financing which replaces a portion of debt that would otherwise be necessary to finance a property. By replacing debt, credits work to reduce interest costs. This allows a property owner to offer lower rents than otherwise would be the case.

The most unique feature of the program is that State Housing Finance Agencies award Federal tax credits to developers of rental housing. Since these agencies have considerable flexibility in how they distribute the credits, developers compete for the limited number of tax credits by submitting project proposals. The Housing Finance Agencies rate the proposals, and allocate credits to individual properties based on criteria provided in the Internal Revenue Code, and on the State's particular housing needs and priorities.

The amount of credits a State may allocate to a particular property is also limited by the Internal Revenue Code. The limit is determined as percentage of the basis of a property. The basis is, generally speaking, the costs of constructing a building that is part of an affordable housing project. Non-federally subsidized new construction may receive a 9-percent credit. Existing buildings and new buildings receiving other Federal subsidies may get a 4-percent credit.

The problem at hand is this. The IRS takes the position that certain construction costs should not be included in basis. This position makes a large number of affordable housing properties financially infeasible, and weakens the economics of those that still pass minimum underwriting requirements. The loss of equity would surely affect the properties that serve the lowest income tenants, provide higher levels of service, or operate in high cost areas. The reason that this is problematic is simple. Reducing the amount of credits does not reduce the development costs. It merely removes a source of financing, forcing either higher rents or lower quality construction.

Apparently, the Treasury Department and Internal Revenue Service agree that this is an issue worthy of review, as both agencies have included it in their business plan. As recently as this month, the IRS issued new guidance on one of the items addressed by the TAMs, but there does not appear to

be a full review of the effect of the positions set forth in the TAMs anytime soon.

This legislation would amend Section 42(d) of the Internal Revenue Code to specify that various associated development costs are to be included in eligible basis. In many cases, the largest item excluded from eligible basis under the TAMs is "impact fees." Impact fees are fees required by the Government "as a condition to the development" and considered ineligible because they are one-time costs, unlike building permits which need to be renewed each time a building is built. These fees cover a wide range of infrastructure improvements including sewer lines, schools, and roads. Certainly, whether or not they are includible in basis for the purpose of calculating the amount of tax credit, these costs will be incurred and will impact the economics of the property. As I mentioned previously, the IRS has recently addressed the inclusion of impact fees in eligible basis, but not other costs directly related to building construction.

Other items that would be severely restricted or excluded from eligible basis under the interpretations expressed in the TAMs are site preparation costs, development fees, professional fees related to developing the property, and construction financing costs. The legislation we are introducing today will clarify that any cost incurred in preparing a site which is reasonably related to the development of a qualified low income housing property, any reasonable fee paid to the developer, any professional fee relating to an item includible in basis, and any cost of financing attributable to construction of the building is includible in basis for the purpose of calculating the maximum amount of credit a state may allocate to a low-income housing property.

The intent of these clarifications is simply to codify common industry practice before the issuance of the TAMs. Not only will the legislation allow the low-income tax credit program to provide better quality housing at lower rental rates than would be possible if the positions taken in the TAMs are followed, but clarification will help simplify administration of the credit by giving both taxpayers and the Internal Revenue Service a clearer statement of the standards that apply in calculating credit amounts.

Our economy is not doing as well as we would like, and there is a significant likelihood that we are going to need even more affordable housing in the not too distant future. We should be proud that we increased the amount of low-income housing tax credits that will be available to help finance this housing. What we need to do now is to make sure that these credits are used as efficiently as possible to provide housing for those who need it the most. The legislation we are introducing today will help achieve that goal.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF CERTAIN EXPENSES FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subsection (d) of section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by adding at the end the following new paragraph:

“(8) ASSOCIATED DEVELOPMENT COSTS INCLUDED IN BASIS.—

“(A) IN GENERAL.—Solely for purposes of this section, associated development costs shall be taken into account in determining the basis of any building which is part of a low-income housing project to the extent not otherwise so taken into account.

“(B) ASSOCIATED DEVELOPMENT COSTS.—For purposes of subparagraph (A), the term ‘associated development costs’ means, with respect to any building, such building’s allocable share of—

“(i) any cost incurred in preparing the site which is reasonably related to the development of the qualified low-income housing project of which the building is a part,

“(ii) any fee imposed by a State or local government as a condition to development of such project,

“(iii) any reasonable fee paid to any developer of such project,

“(iv) any professional fee relating to any item includible in the basis of the building pursuant to this paragraph, and

“(v) any cost of financing attributable to construction of the building (without regard to the source of such financing) which is required to be capitalized.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2001, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Mr. JEFFORDS. Mr. President, today I join with my colleagues on the Finance Committee, Senators GRAHAM and HATCH, to introduce legislation to clarify the rules governing the low-income housing tax credit. This tax credit has played a critical role in the construction and renovation of housing for low-income Americans.

The Internal Revenue Service has issued five technical advice memoranda, TAMs, affecting the definition of eligible basis as defined in section 42(d) of the Internal Revenue Code. These TAMs had the effect of reducing the amount of tax credits available with respect to projects financed with low-income housing tax credits. The bill we introduce today recognizes that certain expenses are legitimate development costs that are properly includible in the basis eligible for the tax credits. Among these development costs are: state and local impact fees, site preparation costs, reasonable development fees, professional fees, and construction financing costs, excluding land acquisition costs.

The TAMs drew unworkable distinctions among various costs developers incur when they build low-income housing. For example, under the law as interpreted by the IRS, a low-income housing developer would have to distinguish between those trees and shrubs planted near a housing unit and those planted elsewhere on the property. The costs of trees and shrub near the housing unit could be included in basis; the costs of other landscaping could not. Rules like this are not only illogical; they also impose unnecessary burdens both on developers of affordable housing projects, but also on the IRS itself, whose employees must draw these highly technical distinctions when they audit the project. Our bill includes fair and rational rules, introducing the concept of "development cost basis" in lieu of "adjusted basis" to determine which costs may qualify for tax credits. It assures that reasonable and legitimate expenses which incurred only for the purpose of building low-income housing will be eligible for tax credit.

By Mr. INHOFE:

S. 2007. A bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetuated against the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Madam President, I rise today to introduce the Senate companion to HR 3347, the General Aviation Industry Reparations Act of 2002. This bill directs to the President to provide compensation to General Aviation for losses incurred as a result of the terrorist attacks on September 11, 2001.

Many have the misperception that the entire aviation industry was eligible for compensation under the Air Transportation Safety and Systems Stabilization Act, PL 107-42. However, that act dealt only with scheduled airline service. As a consequence General Aviation, a very important segment of the aviation industry, has yet to be made whole for actions taken by the federal government following the terrorist attacks of September 11th.

The national airspace system reopened to commercial aviation on September 13, 2001. General Aviation was allowed limited Instrument Flight Rules, IFR, flights, operating under guidance and direction from air traffic controllers, with restrictions on September 14th. The more common, Visual Flight Rules, VFR, flights (which cannot be done in inclement weather since pilots are not under the guidance of air traffic controllers) were grounded until September 19 and then only limited flights could operate outside of "enhanced" Class B airspace, the airspace surrounding the nation's 30 busiest airports. In fact, enhanced Class B airspace did not return to the pre-September 11th design until December 19th.

Contrary to what some think, General Aviation is much more than weekend recreational pilots. It is made of a hundreds of small business people who make their living either servicing general aviation aircraft, instructing student pilots, using general aviation aircraft to transport people, products and materials or perform various services such as report on traffic conditions in congested metropolitan areas, check the condition of energy pipelines, crop dusting, banner towing and many other uses. The fact is that general aviation performs a very important function in our economy beyond recreational flying.

Working closely with General Aviation groups such as the Aircraft Owners and Pilots Association, AOPA, which has worked hard to explain the scope of general aviation to members of Congress and how critical it is to the nation, I think we have a very balanced package.

The General Aviation Industry Reparations Act of 2002 would compensate General Aviation and their employees for economic injuries caused by September 11. As defined by the bill "general aviation" includes ancillary businesses as well. Thus, parking garages, car rental companies or other aviation related business that were not covered by PL 107-42 would be eligible for compensation under this bill. In addition, the bill extends compensation to employees who were laid off due to the slow down of business following September 11 in the form of reimbursement for health care costs and it requires businesses who accept compensation to provide health care coverage for existing employees.

The bill provides three forms of compensation. Loan Guarantees of \$3 billion from the amount made available for the commercial airlines. Grants totaling \$2.5 billion and like the commercial aviation industry the opportunity to purchase War Risk Insurance with the assistance of the Department of Transportation.

Finally, spending in the bill would be designated as emergency spending for scoring purposes. Normally I would oppose such a designation but I believe in this instance we have successfully met the criteria for an emergency. These benefits are not open ended, compensation is only available for losses incurred between September 11 and December 31, 2001. Not all losses are eligible under the bill, only those that can be shown to be a direct result of the government actions following September 11. Businesses who choose to take advantage of the loan guarantees must demonstrate an ability to pay back the loans and the government has the right to benefit from profits made as a result of a government backed loan.

In short, I believe this is a responsible bill and I hope that we will be able to fully debate the merits of the package on the floor and eventually have a vote on the bill.

By Mr. GREGG:

S. 2008. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABORTION NON-DISCRIMINATION.

Section 245 of the Public Health Service Act (42 U.S.C. 238n) is amended—

(1) in the section heading, by striking "REGARDING TRAINING AND LICENSING OF PHYSICIANS" and inserting "REGARDING TRAINING, LICENSING, AND PRACTICE OF PHYSICIANS AND OTHER HEALTH CARE ENTITIES";

(2) in subsection (a)(1), by striking "to perform such abortions" and inserting "to perform, provide coverage of, or pay for induced abortions";

(3) in subsection (c)(2)—

(A) by inserting "or other health professional," after "an individual physician";

(B) by striking "and a participant" and inserting "a participant"; and

(C) by inserting before the period the following: ", a hospital, a provider sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization or plan"; and

(4) in subsection (b)(1), by striking "standards" and inserting "standard".

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. DURBIN, and Mr. HARKIN):

S. 2010. A bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal Investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the "Corporate and Criminal Fraud Accountability Act of 2002." I want to thank the majority leader, and Senators DURBIN and HARKIN for joining me as original cosponsors in this effort to prevent corporate and criminal fraud, protect shareholders and employees, and hold wrongdoers accountable for their actions.

This bill is a crucial part of ensuring that the corporate fraud and greed that have been on display in the Enron debacle can be better detected, prevented and prosecuted. We cannot legislate against greed, but we can do our best to make sure that greed does not succeed.

The fraud at Enron was not the work of novices. It was the work of highly educated professionals, spinning an intricate spider's web of deceit. They created sham partnerships with names like Jedi, Chewco, Rawhide, Ponderosa

and Sundance to cook the books and trick both the public and federal regulators. The actions of Enron's executives, accountants, and lawyers exhibit a "Wild West" attitude which valued profit over honesty.

Nor is this web of corporate deceit the end of the Enron story. When they thought that investigators might be coming, what did these "professional" men and women apparently do? First, they warmed up the shredders and began destroying evidence. Then, after they successfully shredded thousands of documents, they began the finger pointing. Now, the Enron executives are blaming their accountants at Arthur Andersen; the accountants are blaming the executives right back; and they are both blaming their lawyers.

The truth is that just as there was enough greed to go around, there is now enough blame to go around. But the blame does not end with the people involved in this case. It extends to our courts, our regulators, and to Congress, whose actions in the past decade helped create the permissive atmosphere which allowed Enron to happen. No one in Congress intended for such outrageous conduct to happen, but now it is our job to stop it.

We must restore accountability. Accountability is important because Enron is not alone. At a Judiciary Committee hearing which I recently chaired, experts gave the public markets grave warnings, it is likely that there are more "Enrons" lurking out there waiting to be discovered. Waiting to be discovered not only by investigators or the media but by the more than one in two Americans who depend on the transparency and integrity of our markets.

The majority of Americans depend on our capital markets to invest in the future needs of themselves and their families, from their children's college fund to their retirement nest eggs. American investors are watching what we do here and want action. We must act now to restore confidence in the integrity of our markets and deter fraud artists who think that their crimes will go unpunished. Restoring such accountability is what this bill is all about.

This bill has three major components that will enhance accountability. First, this bill provides prosecutors with new and better tools to effectively prosecute and punish those who defraud our Nation's investors, which means ensuring our criminal laws are flexible enough to keep pace with the most sophisticated and clever con artists. It also means providing criminal penalties which are tough enough to make them think twice about defrauding the public.

Second, this bill provides tools that will improve the ability of investigators and regulators to collect and preserve evidence which proves fraud. That means ensuring that corporate whistleblowers are protected and that those who destroy evidence of fraud are punished. Third, the bill protects vic-

tims' rights to recover from those who have cheated them. In short, this bill is going to both save documents from the shredder and send wrongdoers to jail once they are caught.

This bill is only one part of the response needed to solve the problems exposed by Enron's fall. Securities law experts, consumer protection groups, and others Members of Congress, both in the Senate and the House of Representatives, have made other proposals and introduced legislation that deserves careful consideration. Working with the majority leader, we have developed a comprehensive plan to attack this problem. Certainly, in light of recent events, we must carefully re-examine both the decisions of the Supreme Court and our current laws. Despite the best of intentions, our laws may have helped create an environment in which greed was inflated and integrity devalued. This bill is an important starting point in that process. Let me explain its provisions.

Section 2 of the bill would create two new 5 year felonies to clarify and plug holes in the existing criminal laws relating to the destruction or fabrication of evidence, including the shredding of financial and audit records. Currently, those provisions are a patchwork which have been interpreted, often very narrowly, by Federal courts. For instance, certain of the current provisions in Title 18, such as Section 1512(b), make it a crime to persuade another person to destroy documents, but not a crime for a person to personally destroy the same documents. Other provisions, such as Section 1503, have been narrowly interpreted by courts, including the Supreme Court in *United States v. Aguillar*, 115 S. Ct. 593 (1995), and the First Circuit in *United States v. Frankhauser*, 80 F.3d 641 (1st Cir. 1996), to apply only to situations where the obstruction of justice may be closely tied to a judicial proceeding that is already pending. Still other provisions, such as sections 152(8), 1517 and 1518 apply to obstruction in certain limited types of cases, such as bankruptcy fraud, examinations of financial institutions, and healthcare fraud. In short, the current laws regarding destruction of evidence are full of ambiguities and limitations that should be corrected.

Section 2 would create a new felony, 18 U.S.C. section 1519, for use in a wide array of cases in which a person destroys evidence with the specific intent to obstruct a Federal agency or a criminal investigation. There would be no technical requirement that a judicial proceeding was already underway or that the documents were formally under subpoena. The law would also be used to prosecute a person who actually destroys the records themselves in addition to one who persuades another to do so. The law would apply to the intentional shredding of evidence in any matter within Federal regulatory or civil jurisdiction, such as an SEC or civil fraud matter, as well as criminal jurisdiction, eliminating another series

of technical distinctions imposed by some courts under current law.

Second, Section 2 creates a 5-year felony, 18 U.S.C. section 1520, to punish the willful failure to preserve financial audit papers of companies that issue securities as defined in the Securities Exchange Act. The new statute, in subsection (a), would require that accountants preserve audit records for 5 years from the conclusion of the audit. Subsection (b) would make it a felony to knowingly and willfully violate the 5-year audit retention period. This section both penalizes the willful failure to maintain specified audit records and sets a bright line rule that would require accountants to put strong safeguards in place to ensure that such records are, in fact, retained. Had such clear requirements been in place at the time that Arthur Andersen was considering what to do with its audit documents, countless documents might have been saved from the shredder.

Section 3 of this bill proposes an amendment to the civil Racketeer Influenced and Corrupt Organizations, RICO, statute, enhance the abilities of Federal and State regulators to enforce existing law. It would give State Attorneys General and the Securities and Exchange Commission, "SEC", explicit authority to bring a suit under the civil RICO provisions. Currently, only the U.S. Attorney General has such authority under RICO. At a Judiciary Committee hearing on Enron's fall, Washington State Attorney General Christine Gregoire strongly supported this change, testifying that State and local law enforcers are on the front lines in protecting consumer's rights. Providing such authority to State Attorneys General and to the SEC would provide them a potent weapon in that battle and would allow us to take advantage of their significant expertise in protecting consumers.

Others have suggested that we also consider repealing the one-of-a-kind securities fraud exception to civil RICO, created in 1995 over the veto of President Clinton. Congressman CONYERS, the distinguished ranking minority member of the House Judiciary Committee, has already introduced a bill to repeal this unique exemption. As someone who voted against the 1995 Private Securities Litigation Reform Act and voted to sustain President Clinton's veto, I did not support this one-of-a-kind exemption when it became law. Now, given what has happened in our markets, I think that we all need to consider whether or not the exemption for securities fraud makes sense. No one who voted for the 1995 Private Securities Litigation Reform Act or voted to override President Clinton's veto meant for Enron to occur, but now that it has occurred, none of us can ignore it.

In addition to giving the SEC the authority to sue under civil RICO, we have to ensure that the SEC has all the powers and resources that it needs to protect our Nation's shareholders. The

SEC needs to have sufficient attorneys, training, and investigative resources, and enough power to pursue the most complex of cases against the best funded defendants in our legal system. In particular, one idea that is worth serious consideration is amending the statutes related to the Federal Rules of Criminal Procedure to allow SEC attorneys in fraud investigations to seek search warrants from a Federal judge, the same way that Department of Justice attorneys currently may, when they can demonstrate probable cause to believe that a crime has been committed. Taking such a step might allow the SEC to act more quickly and to prevent the destruction of documents and evidence in the future, as they were not able to do in the Enron case. The SEC has to have the tools it needs to protect what has truly become a nation of shareholders.

Section 4 of this bill would amend the Bankruptcy Code to make judgments and settlements based upon securities law violations non-dischargeable, protecting victims' ability to recover their losses. Current bankruptcy law may permit such wrongdoers to discharge their obligations under court judgments or settlements based on securities fraud and other securities violations. This loophole in the law should be closed to help defrauded investors recoup their losses and to hold accountable those who perpetrate securities fraud after a government unit or private suit results in a judgment or settlement against the wrongdoer.

State securities regulators have indicated their strong support for this change in the bankruptcy law, and I have received letters supporting the passage of this bill from the North American Securities Administrators Association, whose membership includes the securities administrators in all 50 States and Vermont's chief banking and securities regulator. Under current laws, State regulators are often forced to "reprove" their fraud cases in bankruptcy court to prevent discharge because remedial statutes often have different technical elements than the analogous common law causes of action. Moreover, settlements may not have the same collateral estoppel effect as judgments obtained through fully litigated legal proceedings. In short, with their resources already stretched to the breaking point, these State regulators have to plow the same ground twice in securities fraud cases. By ensuring securities fraud judgments and settlements in State cases are non-dischargeable, precious state enforcement resources will be preserved and directed at preventing fraud in the first place.

Section 5 would protect victims by extending the statute of limitations in private securities fraud cases. This section would set the statute of limitations in private securities fraud cases to the earlier of 5 years after the date of the fraud or 3 years after the fraud was discovered. The current statute of

limitations for such fraud cases is 3 years from the date of the fraud. This can unfairly limit recovery for defrauded investors in some cases. As Attorney General Gregoire testified at our recent hearing, in the Enron State pension fund litigation the current short statute of limitations has forced some States to forgo claims against Enron based on securities fraud in 1997 and 1998. In Washington State alone, the short statute of limitations may cost hard working State employees, firefighters and police officers nearly \$50 million, lost Enron investments which they can never recover under current law.

Especially in complex securities fraud cases, the current short statute of limitations may insulate the worst offenders from accountability. As Justices O'Connor and Kennedy said in their dissent in *Lampf, Pleva, Lipkind, Prupis, & Petigrow v. Gilbertson*, 111 S. Ct. 2773 (1991), the 5-4 decision upholding this short statute of limitations in most securities fraud cases, the current "one and three" limitations period makes securities fraud actions "all but a dead letter for injured investors who by no conceivable standard of fairness or practicality can be expected to file suit within 3 years after the violation occurred." The Consumers Union also strongly supports the bill, and views this section in particular as a needed measure to protect investors.

The experts agree with that view. In fact, the last two SEC Chairmen supported extending the statute of limitations in securities fraud cases. Then Chairman Arthur Levitt testified before a Senate Subcommittee in 1995 that "extending the statute of limitations is warranted because many securities frauds are inherently complex, and the law should not reward the perpetrator of a fraud, who successfully conceals its existence for more than 3 years." Before Chairman Levitt, in the last Bush administration, then SEC Chairman Richard Breeden also testified before Congress in favor of extending the statute of limitations in securities fraud cases. Reacting to the *Lampf* opinion, Breeden stated in 1991 that "[e]vents only come to light years after the original distribution of securities, and the *Lampf* cases could well mean that by the time investors discover they have a case, they are already barred from the courthouse." Both the FDIC and the State securities regulators joined the SEC in calling for a legislative reversal of the *Lampf* decisions at that time.

In fraud cases the short limitations period under current law is an invitation to take sophisticated steps to conceal the deceit. The experts have long agreed on that point, but unfortunately they have been proven right again. As we know from recent experience, it only takes a few seconds to warm up the shredder, but unfortunately it will take years for victims to put this complex case back together again. It is time that the law be

changed to give victims the time they need to prove their fraud cases.

Section 6 of this bill ensures that those who destroy evidence or perpetrate fraud are appropriately punished. It would require the United States Sentencing Commission, "Commission", to consider enhancing criminal penalties in cases involving the actual destruction or fabrication of evidence or in serious fraud cases where a large number of victims are injured or when the victims face financial ruin.

Currently, the United States Sentencing Guidelines recognize that a wide variety of conduct falls under the offense of "obstruction of justice." For obstruction cases involving the murder of a witness or another crime, the guidelines allow, by cross reference, significant enhancements based on the underlying crimes, such as murder or attempted murder. For cases where obstruction is the only offense, however, they provide little guidance on differentiating between different types of obstruction. This provision requests that the Sentencing Commission consider a specific enhancement in cases where evidence and records are actually destroyed or fabricated in order to thwart investigators, a serious form of obstruction.

This provision, in subsections 3 and 4, also requires the Commission to consider enhancing the penalties in fraud cases which are particularly extensive or serious. The current fraud guidelines require the sentencing judge to take the number of victims into account, but only to a very limited degree in small and medium-sized cases. Specifically, once there are more than 50 victims, the guidelines do not require any further enhancement of the sentence, so that a case with 51 victims may be treated the same as a case with 5,000 victims. As the Enron matter demonstrates, serious frauds, especially in cases where publicly traded securities are involved, can effect thousands of victims. The Commission may well have not foreseen such extensive cases, and subsection 3 requires it to reconsider whether they merit an additional enhancement.

In addition, current guidelines allow only very limited consideration of the extent of devastation that a fraud offense causes its victims. Judges may only consider whether a fraud endangers the "solvency or financial security" of a victim to impose an upward departure from the recommended sentencing range. It is not a factor in establishing the range itself unless a bank is the victim. Subsection 4 requires the Commission to consider requiring judges to consider the extent of the fraud in setting the actual recommended sentencing range in cases such as the Enron matter, where many private victims have lost their life savings.

Section 7 of the bill would provide whistleblower protection to employees of publicly traded companies who report acts of fraud to Federal officials

with the authority to remedy the wrongdoing or to supervisors or appropriate individuals within their company. Although current law protects many government employees who act in the public interest by reporting wrongdoing, there is no similar protection for employees of publicly traded companies who blow the whistle on fraud and protect investors. With an unprecedented portion of the American public investing in these companies and depending upon their honesty, this distinction does not serve the public good.

In addition, corporate employees who report fraud are subject to the patchwork and vagaries of current State laws, even though most publicly traded companies do business nationwide. Thus, a whistleblowing employee in one State may be far more vulnerable to retaliation than a fellow employee in another State who takes the same actions. Unfortunately, one thing that often transcends State lines, as we all know from the State tobacco litigation, are certain companies with a corporate culture that punishes whistleblowers for being "disloyal" and "litigation risks."

Most corporate employers, with help from their lawyers, know exactly what they can do to a whistleblowing employee under the law. Unfortunately, Enron has supplied us with another grievous example of corporate conduct as shown by a recently released email from one of Enron's lawyers. The email responds to a request for legal advice after an Enron employee tried to report accounting irregularities at the highest levels of the company in late August, 2001:

You asked that I include in this communication a summary of the possible risks associated with discharging (or constructively discharging) employees who report allegations of improper accounting practices: 1. Texas law does not currently protect corporate whistleblowers. The supreme court has twice declined to create a cause of action for whistleblowers who are discharged . . .

This legal advice lays bare the fact that employees who do the "right thing" are vulnerable to retaliation. After this high level employee at Enron reported improper accounting practices, Enron is not thinking about firing Arthur Andersen, they are considering discharging the whistle blower. No wonder that so many employees are scared to come forward. Our laws need to encourage and protect those who report fraudulent activity that damages investors in publicly traded companies. That is why this bill is supported by groups such as the National Whistleblower Center, the Government Accountability Project, and Taxpayers Against Fraud, who have written a letter calling this bill "the single most effective measure possible to prevent recurrences of the Enron debacle and similar threats to the nation's financial markets."

This bill would create a new provision protecting employees when they take lawful acts to disclose informa-

tion or otherwise assist criminal investigators, Federal regulators, Congress, their supervisors, or other proper people within a corporation, or parties in a judicial proceeding in detecting and stopping actions which they reasonably believe to be fraudulent. Since the only acts protected are "lawful" ones, the bill would not protect illegal actions, such as the improper public disclosure of trade secret information. In addition, a reasonableness test is also provided under the subsection (a)(1), which is intended to impose the normal reasonable person standard used and interpreted in a wide variety of legal contexts. See generally *Passaic Valley Sewerage Commissioners v. Department of Labor*, 992 F. 2d 474, 478. Certainly, although not exclusively, any type of corporate or agency action taken based on the information or the information constituting admissible evidence would be strong indicia that it could support of such a reasonable belief. Under this bill's new protections, if the employer does take illegal action in retaliation for such lawful and protected conduct, subsection b allows the employee to elect to file an administrative complaint at the Department of Labor, as is the case for employees who provide assistance in airplane safety, or to bring a case in Federal court, with a jury trial available for an action at law. See United States Constitution, Amendment VII; Title 42 United States Code, Section 1983.

Subsection (c) of this section would require both reinstatement of the whistleblower, double backpay, and compensatory damages to make a victim whole. In severe cases, where the finder of fact determines that underlying fraud posed a substantial risk to the shareholders' or the general public's health, safety or welfare, punitive damages would be allowed in the discretion of the finder of fact based on a number of enumerated factors. The bill does not supplant or replace State law, but sets a national floor for employee protections in the context of publicly traded companies.

Section 8 of the bill would create a new ten year felony under Title 18 for defrauding shareholders of publicly traded companies. Currently, unlike bank fraud or health care fraud, there is no generally accessible statute dealing with the specific problem of securities fraud. In these cases, Federal investigators and prosecutors are forced either to resort to a patchwork of technical Title 15 offenses, which may criminalize particular violations of securities law, or to treat the cases as generic mail or wire fraud cases and to meet the technical elements of those statutes, with their 5 year maximum penalties.

This bill, then, would create a new ten year felony for securities fraud, a more general and less technical provision comparable to the bank fraud and health care fraud statutes in Title 18. Specifically, it would add a provision

to Chapter 63 of Title 18 which would criminalize the execution or attempted execution of a scheme or artifice to defraud persons in connection with securities of publicly traded companies or obtain their money or property. The provision would provide needed enforcement flexibility in the context of publicly traded companies to protect shareholders and prospective shareholders against all the types of schemes and frauds which inventive criminals may devise in the future.

This bill can only be part of the needed response to the problems exposed by the Enron debacle. It is clear that changes are needed to restore accountability in our markets. As a lawyer and a former prosecutor I am appalled at the role that lawyers and accountants played in the Enron case. Instead of acting as gatekeepers who detect and deter fraud, it appears that Enron's accountants and lawyers brought all their skills and knowledge to bear in assisting the fraud to succeed and then in covering it up. We need to reconsider the incentive system that has been set up that encourages accountants and lawyers who come across fraud in their work to remain silent.

Others have suggested that we restore aider and abettor liability to the law as it existed for almost five decades before the Supreme Court, in another 5-4 decision, took away the ability of private parties to sue aiders and abettors for securities fraud. I hope that Senators on the Banking Committee will seriously consider this change, which restores the ability to hold liable accountants and lawyers who knowingly or recklessly provide substantial assistance in perpetrating a fraud. Others have also proposed to restore joint and several liability in securities fraud cases so that fraud victims are not left empty handed watching the accountants, lawyers, and executives point fingers at each other, until they can blame everything on the one company that files for bankruptcy protection, like Enron, another change worth careful consideration. In short, we have to ask ourselves whether, as a nation, we have unintentionally stacked the deck against fraud victims. I think that we have, and we need to have the courage to admit it and reshuffle the cards to restore basic fairness.

For all of these reasons, I am pleased to introduce the "Corporate and Criminal Fraud Accountability Act of 2002." I look forward to working with members on both sides of the aisle to enact its provisions into law.

I ask unanimous consent for this bill to be printed in the RECORD along with the sectional analysis and a copy of the entire e-mail document to which I referred as well as the letters of support which I have referenced.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Corporate and Criminal Fraud Accountability Act of 2002”.

SEC. 2. CRIMINAL PENALTIES FOR ALTERING DOCUMENTS.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

“§ 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

“Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 5 years, or both.

“§ 1520. Destruction of corporate audit records

“(a) Any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(a)) applies, shall maintain all documents (including electronic documents) sent, received, or created in connection with any audit, review, or other engagement for such issuer for a period of 5 years from the end of the fiscal period in which the audit, review, or other engagement was concluded.

“(b) Whoever knowingly and willfully violates subsection (a) shall be fined under this title, imprisoned not more than 5 years, or both.

“(c) Nothing in this section shall be deemed to diminish or relieve any person of any other duty or obligation, imposed by Federal or State law or regulation, to maintain, or refrain from destroying, any document.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new items:

“1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.

“1520. Destruction of corporate audit records.”.

SEC. 3. ENHANCED ENFORCEMENT OF LAWS AFFECTING RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS.

Section 1964 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting after “The Attorney General” the following: “, the Attorney General of any State, or the Securities and Exchange Commission”; and

(2) in subsection (d), by inserting before the period the following: “or any State”.

SEC. 4. DEBTS NONDISCHARGEABLE IF INCURRED IN VIOLATION OF SECURITIES FRAUD LAWS.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking “or” after the semicolon;

(2) in paragraph (18), by striking the period at the end and inserting “; or”; and

(3) by adding at the end, the following:

“(19) that—

“(A) arises under a claim relating to—

“(i) the violation of any of the Federal securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act

of 1934 (15 U.S.C. 78c(a)(47)), any State securities laws, or any regulations or orders issued under such Federal or State securities laws; or

“(ii) common law fraud, deceit, or manipulation in connection with the purchase or sale of any security; and

“(B) results, in relation to any claim described in subparagraph (A), from—

“(i) any judgment, order, consent order, or decree entered in any Federal or State judicial or administrative proceeding;

“(ii) any settlement agreement entered into by the debtor; or

“(iii) any court or administrative order for any damages, fine, penalty, citation, restitutionary payment, disgorgement payment, attorney fee, cost, or other payment owed by the debtor.”.

SEC. 5. STATUTE OF LIMITATIONS FOR SECURITIES FRAUD.

(a) IN GENERAL.—Section 1658 of title 28, United States Code, is amended—

(1) by inserting “(a)” before “Except”; and

(2) by adding at the end the following:

“(b) Notwithstanding subsection (a), a private right of action that involves a claim of fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement concerning the securities laws, as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), may be brought not later than the earlier of—

“(1) 5 years after the date on which the alleged violation occurred; or

“(2) 3 years after the date on which the alleged violation was discovered.”.

(b) EFFECTIVE DATE.—The limitations period provided by section 1658(b) of title 28, United States Code, as added by this section, shall apply to all proceedings addressed by this section that are commenced on or after the date of enactment of this Act.

SEC. 6. REVIEW OF FEDERAL SENTENCING GUIDELINES FOR OBSTRUCTION OF JUSTICE AND EXTENSIVE CRIMINAL FRAUD.

Pursuant to section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, as appropriate, the Federal Sentencing Guidelines and related policy statements to ensure that—

(1) the guideline offense levels and enhancements for an obstruction of justice offense are adequate in cases where documents or other physical evidence are actually destroyed or fabricated;

(2) the guideline offense levels and enhancements for violations of section 1519 or 1520 of title 18, United States Code, as added by this Act, are sufficient to deter and punish that activity;

(3) the guideline offense levels and enhancements under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) are sufficient for a fraud offense when the number of victims adversely involved is significantly greater than 50; and

(4) a specific offense characteristic enhancing sentencing is provided under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) for a fraud offense that endangers the solvency or financial security of 1 or more victims.

SEC. 7. PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES WHO PROVIDE EVIDENCE OF FRAUD.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1514 the following:

“§ 1514A. Civil action to protect against retaliation in fraud cases

“(a) WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES.—No company with securities registered under

section 6 of the Securities Act of 1933 (15 U.S.C. 77f) or section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78l, 78o(d)), or any officer, employee, contractor, subcontractor, or agent of such company, may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee—

“(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders, when the information or assistance is provided to or the investigation is conducted by—

“(A) a Federal regulatory or law enforcement agency;

“(B) any Member of Congress or any committee of Congress; or

“(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); or

“(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders.

“(b) ELECTION OF ACTION.—

“(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

“(A) filing a complaint with the Secretary of Labor; or

“(B) bringing an action at law or equity in the appropriate district court of the United States.

“(2) PROCEDURE.—

“(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

“(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

“(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

“(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 180 days after the date on which the violation occurs.

“(c) REMEDIES.—

“(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) (A) or (B) shall be entitled to all relief necessary to make the employee whole.

“(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

“(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

“(B) 2 times the amount of back pay, with interest; and

“(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

“(3) PUNITIVE DAMAGES.—

“(A) IN GENERAL.—In a case in which the finder of fact determines that the protected conduct of the employee under subsection (a)

involved a substantial risk to the health, safety, or welfare of shareholders of the employer or the public, the finder of fact may award punitive damages to the employee.

“(B) FACTORS.—In determining the amount, if any, to be awarded under this paragraph, the finder of fact shall take into account—

“(i) the significance of the information or assistance provided by the employee under subsection (a) and the role of the employee in advancing any investigation, proceeding, congressional inquiry or action, or internal remedial process, or in protecting the health, safety, or welfare of shareholders of the employer or of the public;

“(ii) the nature and extent of both the actual and potential discrimination to which the employee was subjected as a result of the protected conduct of the employee under subsection (a); and

“(iii) the nature and extent of the risk to the health, safety, or welfare of shareholders or the public under subparagraph (A).

“(d) RIGHTS RETAINED BY EMPLOYEE.—

“(1) OTHER REMEDIES UNAFFECTED.—Nothing in this section shall be deemed to diminish the rights, privilege, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.

“(2) VOLUNTARY ADJUDICATION.—No employee may be compelled to adjudicate his or her rights under this section pursuant to an arbitration agreement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following new item:

“1514A. Civil action to protect against retaliation in fraud cases.”.

SEC. 8. CRIMINAL PENALTIES FOR DEFAUDING SHAREHOLDERS OF PUBLICLY TRADED COMPANIES.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“§ 1348. Securities fraud

“Whoever knowingly executes, or attempts to execute, a scheme or artifice—

“(1) to defraud any person in connection with any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78l, 78o(d)) or section 6 of the Securities Act of 1933 (15 U.S.C. 77f); or

“(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78l, 78o(d)) or section 6 of the Securities Act of 1933 (15 U.S.C. 77f),

shall be fined under this title, or imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following new item:

“1348. Securities fraud.”.

SECTIONAL ANALYSIS: CORPORATE AND CRIMINAL FRAUD ACCOUNTABILITY ACT OF 2002 **Section 1. Title.**

“Corporate and Criminal Fraud Accountability Act.”

Section 2. Criminal Penalties for Altering, Destroying, or Failing to Maintain Documents

This section provides two new criminal statutes which would clarify and plug holes in the current criminal laws relating to the destruction or fabrication of evidence, including the shredding of financial and audit records. Currently, those provisions are a patchwork which have been interpreted in

often limited ways in federal court. For instance, certain of the current provisions make it a crime to persuade another person to destroy documents, but not a crime to actually destroy the same documents yourself. Other provisions have been narrowly interpreted by courts, including the Supreme Court in *United States v. Aguilar*, 115 S. Ct. 593 (1995), to apply only to situations where the obstruction of justice can be closely tied to a pending judicial proceeding.

First, this section would create a new 5 year felony which could be effectively used in a wide array of cases where a person destroys or creates evidence with the specific intent to obstruct a federal agency or a criminal investigation. Second, the section creates another 5 year felony which applies specifically to the willful failure to preserve audit papers of companies that issue securities.

Section 3. Amendment to Improve Enforcement of Civil RICO

This section proposes an amendment to the civil RICO provision found at 18 U.S.C. Section 1964 which would enhance the abilities of federal and state regulators to enforce existing law by giving State Attorneys General and the Securities and Exchange Commission, SEC, explicit authority to bring a suit under the civil RICO provisions. Currently, only the Attorney General has such authority under RICO.

Section 4. Bankruptcy

This provision would amend the Federal bankruptcy code to make judgments and settlements arising from state and federal securities law violations brought by state or federal regulators and private individuals non-dischargeable. Current bankruptcy law may permit wrongdoers to discharge their obligations under court judgments or settlements based on securities fraud and securities law violations. This loophole in the law should be closed to help defrauded investors recoup their losses and to hold accountable those who perpetrate securities fraud.

Section 5. Statute of Limitations

This section would set the statute of limitations in private securities fraud cases to the earlier of 5 years after the date of the fraud or three years after the fraud was discovered. The current statute of limitations for private securities fraud cases is the earlier of three years from the date of the fraud or one year from the date of discovery. In the Enron state pension fund litigation, the current short statute of limitations has forced some states to forgo claims against Enron based on securities fraud in 1997 and 1998. Victims of securities fraud should have a reasonable time to discover the facts underlying the fraud.

The Supreme Court, in *Lampf v. Gilbertson*, 501 U.S. 350 (1991), endorsed the current short statute of limitations for securities fraud in a 5-4 decision. Justices O'Connor and Kennedy wrote in their dissent in the *Lampf* decision: “By adopting a 3-year period of repose, the Court makes a §10(b) action all but a dead letter for injured investors who by no conceivable standard of fairness or practicality can be expected to file suit within three years after the violation occurred. In so doing, the Court also turns its back on the almost uniform rule rejecting short periods of repose for fraud-based actions.”

Section 6. Review and Enhancement of Criminal Sentences in Cases of Fraud and Evidence Destruction

This section would require the United States Sentencing Commission, “Commission”, to consider enhancing criminal penalties in cases involving the actual destruction or fabrication of evidence or in fraud cases in which a large number of victims are

injured or when the injury to the victims is particularly grave, i.e. they face financial ruin.

This provision first requires the Commission to consider sentencing enhancements in obstruction of justice cases where physical evidence was actually destroyed. The provision, in subsections 3 and 4, also requires the Commission to consider sentencing enhancements for fraud cases which are particularly extensive or serious. Specifically, once there are more than 50 victims, the current guidelines do not require any further enhancement of the sentence, so that a case with 51 victims may be treated the same as a case with 5,000 victims. In addition, current guidelines allow only very limited consideration of the extent of financial devastation that a fraud offense causes to private victims. This section corrects both these problems.

Section 7. Whistleblower Protection for Employees of Publicly Traded Companies

This section would provide whistleblower protection to employees of publicly traded companies, similar to those currently available to many government employees. It specifically protects them when they take lawful acts to disclose information or otherwise assist criminal investigators, federal regulators, Congress, supervisors (or other proper people within a corporation), or parties in a judicial proceeding in detecting and stopping fraud. Since the bill's provisions only apply to “lawful” actions by an employee, it does not protect employees from improper and unlawful disclosure of trade secrets. In addition, a reasonableness test is also set forth under the information providing subsection of this section, which is intended to impose the normal reasonable person standard used and interpreted in a wide variety of legal contexts. See generally *Passaic Valley Sewerage Commissioners v. Department of Labor*, 992 F. 2d 474, 478. Certainly, although not exclusively, any type of corporate or agency action taken based on the information, or the information constituting or leading to admissible evidence would be strong indicia that it could support of such a reasonable belief. If the employer does take illegal action in retaliation for lawful and protected conduct, subsection (b) allows the employee to elect to file an administrative complaint or to bring a case in federal court, with a jury trial available in cases where the case is an action at law. See United States Constitution, Amendment VII; Title 42 United States Code, Section 1983. Subsection (c) would require both reinstatement of the whistleblower, double backpay, compensatory damages to make a victim whole, and would allow punitive damages in extreme cases where the public's health, safety or welfare was at risk.

Section 8. Criminal Penalties for Securities Fraud

This provision would create a new 10 year felony for defrauding shareholders of publicly traded companies. The provision would supplement the patchwork of existing technical securities law violations with a more general and less technical provision, comparable to the bank fraud and health care fraud statutes. The provision would be more accessible to investigators and prosecutors and would provide needed enforcement flexibility and, in the context of publicly traded companies, protection against all the types schemes and frauds which inventive criminals may devise in the future.

VERMONT DEPARTMENT OF BANKING,
INSURANCE, SECURITIES AND
HEALTH CARE ADMINISTRATION,
Montpelier, VT, March 8, 2002.

Senator PATRICK LEAHY,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: Your staff recently forwarded a copy of a bill you intend to introduce entitled, "Corporate and Criminal Fraud Accountability Act of 2002". I read your proposed legislation with special interest, as I am a trustee of the Vermont State Teachers' Retirement Board. That system recently experienced some losses due to its investment in Enron, as did the other state retirement systems.

I believe that your bill will have a significant and positive effect on how we investigate and punish those involved in cases of corporate and criminal fraud. The provision of your bill making judgments arising from state and federal securities law violations non-dischargeable under the federal bankruptcy code is particularly welcome. This improvement in the law would materially improve the ability of defrauded investors to recoup their losses. I also support your proposed expansion of the statute of limitations in private securities fraud cases. This longer statute of limitations will result in investors, including state retirement funds, enjoying a more level playing field when they are defrauded by complex schemes that they could not reasonably be expected to discover within the current three year period.

I also support the provisions in the bill to clarify the criminal laws concerning the destruction or fabrication of evidence and the enhancement of criminal sentences in cases of fraud and destruction of evidence. As the agency charged with examining financial institutions, the integrity of records is essential to our ability to do our jobs. Clear federal laws and increased criminal penalties will provide powerful deterrents to evidence destruction and securities fraud. I also support the expansion of civil RICO to allow state attorney generals and the SEC to bring civil RICO suits.

Please let me know if I can be of any further assistance on this legislation.

Sincerely,

ELIZABETH COSTLE,
Commissioner.

NATIONAL WHISTLEBLOWER CENTER,
Washington, DC, March 11, 2002.

Senator PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: Since 1988 the National Whistleblower Center has aided or defended hundreds of employees who have disclosed fraud and criminal activities within the public and private sectors. During this time we have become painfully aware of the major loopholes which often leave courageous employees without any legal protection. One of the most notorious loopholes exists under the securities laws, in which employees who report fraud upon stockholders have no protection under federal law. It is truly tragic that employees who are wrongfully discharged merely for reporting violations of law, which may threaten the integrity of pension funds or education-based savings accounts, have no federal protection. This point was made perfectly clear by the recently released internal memorandum from attorneys for Enron. According to Enron's own counsel, employees who raised concerns over that company's accounting practices had no protection under federal law and could be fired.

With this background in mind, the National Whistleblower Center strongly commends you for introducing the Corporate and

Criminal Fraud Accountability Act of 2002. This law would protect employees who disclose Enron-related fraud to the appropriate authorities. It is modeled on the airline safety whistleblower law, which overwhelmingly passed Congress with strong bi-partisan support. The next time a company like Enron seeks advice from counsel as to whether they can fire an employee, like Sharon Watkins, who merely discloses potential fraud on shareholders, the answer must be a resounding "no." That can only happen if the Corporate and Criminal Fraud Accountability Act is enacted into law.

Respectfully submitted,

STEPHEN M. KOHN,
Chairman of the
Board of Directors.
KRIS KOLESNIK,
Executive Director.

GOVERNMENT ACCOUNTABILITY
PROJECT AND TAXPAYERS AGAINST
FRAUD,

Washington, DC, March 11, 2002.

Hon. PATRICK LEAHY,
Chair, Senate Judiciary Committee, Dirksen
Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: Thank you for your leadership in introducing the Corporate Fraud and Criminal Accountability Act of 2002. This is a landmark proposal, for which we offer our complete support. The bill promises to make whistleblower protection the rule rather than the exception for those challenging betrayals of corporate fiduciary duty enforced by the Securities and Exchange Commission. It would be the single most effective measure possible to prevent recurrences of the Enron debacle and similar threats to the nation's financial markets, shareholders and pension holders. It also would be a breakthrough in implementing recommendations pending since 1985 by the Administrative Conference of the United States for a consistent, coherent system of corporate whistleblower protection.

The Government Accountability Project (GAP) is a nonprofit, nonpartisan public interest law firm dedicated since 1976 to helping whistleblowers, those employees who exercise freedom of speech to bear witness against betrayals of public trust that they discover on the job. GAP has led the campaign for passage of nearly all federal whistleblower laws over the last two decades, as well as a model law approved by the Organization of American States to implement its Inter-American Convention Against Corruption. Two decades of lessons learned are summarized in GAP's book *The Whistleblower's Survival Guide: Courage Without Martyrdom*. Taxpayers Against Fraud, The False Claims Act Legal Center (TAF) is a nonprofit, nonpartisan public interest organization dedicated to combating fraud against the Federal Government through the promotion and use of the federal False Claims Act and its *qui tam* whistleblower provisions. TAF supports effective anti-fraud legislation at the federal and state level and, as part of its educational outreach, publishes the *False Claims Act and Qui Tam Quarterly Review*.

This bill is outstanding good government legislation. It uses the best combination of provisions that have proven effective in other contexts. It has the modern burdens of proof in the Whistleblower Protection Act of 1989, and offers choices of forum that virtually guarantee whistleblowers will have a fair day in court. Most significant, it closes the loopholes that have meant whistleblowers proceed at their own risk when warning Congress, shareholders or even their own management or Board Audit Committees of financial misconduct threatening the health both of their own company and, in some cases, the nation's economy. You have

our unqualified pledge of helping to finish the public service you started by introducing this legislation.

Sincerely,

JIM MOORMAN,
Executive Director,
TAF.
TOM DEVINE,
Legal Director, GAP.

NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, March 5, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee,
Washington, DC.

DEAR MR. CHAIRMAN: The North American Securities Administrators Association, Inc. (NASAA), organized in 1919, is the oldest international organization devoted to investor protection. Its membership consists of the securities administrators in the 50 states, the District of Columbia, Canada, Mexico and Puerto Rico. NASAA is the voice of securities agencies responsible for grassroots investor protection and efficient capital formation.

NASAA members collectively bring thousands of enforcement actions against violators of securities laws in an effort to protect investors from fraud and abuse in connection with the offer and sale of securities.

We have reviewed a draft of the Corporate and Criminal Fraud and Accountability Act of 2002, and we support it. Our focus is on the section that would prevent the discharge of certain debts in bankruptcy proceedings. At the present time, the bankruptcy code enables defendants who are guilty of fraud and other securities violations to thwart enforcement of the judgments and other awards that are issued in these cases.

We support Section 4, as drafted, because it strengthens the ability of regulators and individual investors to prevent the discharge of certain debts and hold defendants financially responsible for violations of securities laws. This issue is of great interest to state securities regulators, and we commend you for addressing it in the proposed legislation.

NASAA and its members are prepared to work with you as the legislative process continues. We support your effort to enhance the ability of state and federal regulators to help defrauded investors recoup their losses and to hold accountable those who perpetuate securities fraud.

Sincerely,

JOSEPH P. BORG,
NASAA President, Director of
Alabama Securities Commission.

From: Jordan, Carl.

Sent: Friday, August 24, 2001 7:02 PM.

To: Butcher, Sharon (Enron).

Subject: Confidential Employee Matter.

ATTORNEY CLIENT PRIVILEGED
COMMUNICATION

Sharon: Per your request, the following are some bullet thoughts on how to manage the situation with the employee who made the sensitive report.

1. I agree that it is a positive that she has requested reassignment to another department. Assuming a suitable position can be found, I recommend documenting in memo form that the transfer is being effected per her request. This would be worded to convey that the company has considered and decided to accommodate her request for reassignment. See comments below re additional items to be addressed in the memo.

2. I suggest that the memo also name a designated company officer for her to contact in the unlikely future event that she believes she is being retaliated against for having made the report. Case law suggests that she then will have the burden of reporting

any perceived retaliation and allowing the company a reasonable opportunity to correct it before quitting and asserting a constructive discharge. (Note: If there is any chance that the decision might be made in the future to discharge the employee for making the report—e.g., if the company concludes that the allegations were not made in good faith—then this assurance probably should not be given, at least until later when (if) the company is satisfied that the employee was not acting in bad faith or otherwise improperly.)

3. The memo should contain language that conveys that the other terms of her employment—specifically, its at-will status—remains unchanged. This is to avoid any future claim that the understandings surrounding the transfer constitute a contractual obligation of some sort.

4. The new position, as we discussed, should have responsibilities and compensation comparable to her current one, to avoid any claim of constructive discharge.

5. As we discussed, to the extent practicable, the fact that she made the report should be treated as confidential.

6. The individual or individuals who are implicated by her allegations should be advised to treat the matter confidentially and to use discretion regarding any comments to or about the complaining employee. They should be advised that she is not to be treated adversely in any way for having expressed her concerns.

7. You indicated that the officer in charge of the area to which the employee may be reassigned would probably need to be advised of the circumstances. I suggest he be advised at the same time that it is important that she not be treated adversely or differently because she made the report. And that the circumstances of the transfer are confidential and should not be shared with others.

You also asked that I include in this communication a summary of the possible risks associated with discharging (or constructively discharging) employees who report allegations of improper accounting practices:

1. Texas law does not currently protect corporate whistleblowers. The supreme court has twice declined to create a cause of action for whistleblowers who are discharged; however, there were special factors present in both cases that weighed against the plaintiffs and the court implied that it might reach a different conclusion under other circumstances.

2. Regardless of the whistleblower issue, there is often a risk of a Sabine Pilot claim (i.e., allegation of discharge for refusing to participate in an illegal act). Whistleblower cases in Texas commonly are pled or replied as Sabine Pilot claims—it is often an easy leap for the plaintiff to make if she had any involvement in or duties relating to the alleged improper conduct. For example, some cases say that if an employee's duties involve recording accounting data that she knows to be misleading onto records that are eventually relied on by others in preparing reports to be submitted to a federal agency (e.g., SEC, IRS, etc.), then the employee can be subject to criminal prosecution even though she did not originate the misleading data and does not prepare the actual document submitted to the government. Under such circumstances, if the employee alleges that she was discharged for refusing to record (or continuing the practice of recording) the allegedly misleading data, then she has stated a claim under the Sabine Pilot doctrine.

3. As we discussed, there are a myriad of problems associated with Sabine Pilot claims, regardless of their merits, that involve allegations of illegal accounting or related practices. One is that the company's accounting practices and books and records

are fair game during discovery—the opposition typically will request production of volumes of sensitive material. Another problem is that because accounting practices often involve judgments in gray areas, rather than non-judgmental applications of black-letter rules, there are often genuine disputes over whether a company's practice or a specific report was materially misleading or complied with some statutory or regulatory requirements. Third, these are typically jury cases—that means they are decided by lay persons when the legal compliance issues are often confusing even to the lawyers and experts. Fourth, because of the above factors, they are very expensive and time consuming to litigate.

4. In addition to the risk of a wrongful discharge claim, there is the risk that the discharged employee will seek to convince some government oversight agency (e.g., IRS, SEC, etc.) that the corporation has engaged in materially misleading reporting or is otherwise non-compliant. As with wrongful discharge claims, this can create problems even though the allegations have no merit whatsoever.

These are, of course, very general comments. I will be happy to discuss them in greater detail at your convenience.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2995. Mr. CRAIG (for himself, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. DOMENICI, and Mr. THURMOND) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2996. Mr. MURKOWSKI (for himself and Mr. DASCHLE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2997. Mr. LEVIN (for himself, Mr. BOND, Ms. STABENOW, and Ms. MIKULSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 2995. Mr. CRAIG (for himself, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. DOMENICI, and Mr. THURMOND) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place in the Amendment, insert the following:

SEC. . NUCLEAR POWER 2010.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) OFFICE.—The term "Office" means the Office of Nuclear Energy Science and Technology of the Department of Energy.

(3) DIRECTOR.—The term "Director" means the Director of the Office of Nuclear Energy Science and Technology of the Department of Energy.

(4) PROGRAM.—The term "Program" means the Nuclear Power 2010 Program.

(b) ESTABLISHMENT.—The Secretary shall carry out a program, to be managed by the Director.

(c) PURPOSE.—The program shall aggressively pursue those activities that will result in regulatory approvals and design completion in a phased approach, with joint government/industry cost sharing, which would allow for the construction and startup of new nuclear plants in the United States by 2010.

(d) ACTIVITIES.—In carrying out the program, the Director shall—

(1) issue a solicitation to industry seeking proposals from joint venture project teams comprised of reactor vendors and power generation companies to participate in the Nuclear Power 2010 program;

(2) seek innovative business arrangements, such as consortia among designers, constructors, nuclear steam supply systems and major equipment suppliers, and plant owner/operators, with strong and common incentives to build and operate new plants in the United States;

(3) conduct the Nuclear Power 2010 program consistent with the findings of A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010 issued by the Near-Term Deployment Working Group of the Nuclear Energy Research Advisory Committee of the Department of Energy;

(4) rely upon the expertise and capabilities of the Department of Energy national laboratories and sites in the areas of advanced nuclear fuel cycles and fuels testing, giving consideration to existing lead laboratory designations and the unique capabilities and facilities available at each national laboratory and site;

(5) pursue deployment of both water-cooled and gas-cooled reactor designs on a dual track basis that will provide maximum potential for the success of both;

(6) include participation of international collaborators in research and design efforts where beneficial; and

(7) seek to accomplish the essential regulatory and technical work, both generic and design-specific, to make possible new nuclear plants within this decade.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section such sums as are necessary for fiscal year 2003 and for each fiscal year thereafter.

SA 2996. Mr. MURKOWSKI (for himself and Mr. DASCHLE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 417) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place insert the following:

TITLE —RURAL AND REMOTE COMMUNITY FAIRNESS ACT

SEC. 01.—This Title may be cited as the "The Rural and Remote Community Fairness Act."

Subtitle A—Rural and Remote Community Development Block Grants

SEC. 02.—The Housing and Community Development Act of 1974 (Public Law 93-383) is amended by inserting at the end the following new title:

"TITLE IX—RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS

"SEC. 901.(a) FINDINGS.—The Congress finds and declares that—

"(1) a modern infrastructure, including energy-efficient housing, electricity, telecommunications, bulk fuel, waste water and

potable water service, is a necessary ingredient of a modern society and development of a prosperous economy;

“(2) the Nation’s rural and remote communities face critical social, economic and environmental problems, arising in significant measure from the high cost of infrastructure development in sparsely populated and remote areas, that are not adequately addressed by existing Federal assistance programs;

“(3) in the past, Federal assistance has been instrumental in establishing electric and other utility service in many developing regions of the Nations, and that Federal assistance continues to be appropriate to ensure that electric and other utility systems in rural areas conform with modern standards of safety, reliability, efficiency and environmental protection; and

“(4) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural and remote communities as social, economic and political entities.

“(b) PURPOSE.—The purpose of this title is the development and maintenance of viable rural and remote communities through the provision of efficient housing, and reasonably priced and environmentally sound energy, water, waste water, and bulk fuel, telecommunications and utility services to those communities that do not have those services or who currently bear costs of those services that are significantly above the national average.

“SEC. 902. DEFINITIONS.—As used in this title:

“(a) The term ‘unit of general local government’ means any city, county, town, township, parish, village, borough (organized or unorganized) or other general purpose political subdivision of a State, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, the Virgin Islands, and American Samoa, a combination of such political subdivisions that is recognized by the Secretary, and the District of Columbia; or any other appropriate organization of citizens of a rural and remote community that the Secretary may identify.

“(b) The term ‘population’ means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

“(c) The term ‘Native American group’ means any Indian tribe, band group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

“(d) The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(e) The term ‘rural and remote community’ means a unit of local general government or Native American group which is served by an electric utility that has 10,000 or less customers with an average retail cost per kilowatt hour of electricity that is equal to or greater than 150 percent of the average retail cost per kilowatt hour of electricity for all consumers in the United States, as determined by data provided by the Energy Information Administration of the Department of Energy.

“(f) The term ‘alternative energy sources’ includes non-traditional means of providing electrical energy, including, but not limited to, wind, solar, biomass, municipal solid waste, hydroelectric, geothermal and tidal power.

“(g) The term ‘average retail cost per kilowatt hour of electricity’ has the same meaning as ‘average revenue per kilowatt hour of electricity’ as defined by the Energy Information Administration of the Department of Energy.

“SEC. 903. AUTHORIZATIONS.—The Secretary is authorized to make grants to rural and remote communities to carry out activities in accordance with the provisions of the title. For purposes of assistance under section 906, there are authorized to be appropriated \$100,000,000 for each of fiscal years 2003 through 2009.

“SEC. 904. STATEMENT OF ACTIVITIES AND REVIEW.

“(a) Prior to the receipt in any fiscal year of a grant under section 906 by any rural and remote community, the grantee shall have prepared and submitted to the Secretary a final statement of rural and remote community development objectives and projected use of funds.

“(b) In order to permit public examination and appraisal of such statements, to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government, the grantee shall in a timely manner—

“(1) furnish citizens information concerning the amount of funds available for rural and remote community development activities and the range of activities that may be undertaken;

“(2) publish a proposed statement in such manner to afford affected citizens an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;

“(3) provide citizens with reasonable access to records regarding the past use of funds received under section 906 by the grantee; and

“(4) provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under section 906 from one eligible activity to another.

“The final statement shall be made available to the public, and a copy shall be furnished to the Secretary. Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same. Procedures required in this paragraph for the preparation and submission of such statement.

“(c) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report, concerning the use of funds made available under section 906, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee’s statement under subsection (a) and to the requirements of subsection (b). The grantee’s report shall indicate its programmatic accomplishments, the nature of and reasons for any changes in the grantee’s program objectives, and indications of how the grantee would change its programs as a result of its experiences.

“(d) Any rural and remote community may retain any program income that is realized from any grant made by the secretary under section 906 if (1) such income was realized after the initial disbursement of the funds received by such unit of general local government under such section; and (2) such unit of general local government has agreed that it will utilize the program income for eligible rural and remote community development activities in accordance with the provisions of this title; except that the Secretary may by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the subsection creates an unreasonable

administrative burden on the rural and remote community.

“SEC. 905. ELIGIBLE ACTIVITIES.

“(a) Eligible activities assisted under this title may include only—

“(1) weatherization and other cost-effective energy-related repairs of homes and other buildings;

“(2) the acquisition, construction, repair, reconstruction, or installation of reliable and cost-efficient facilities for the generation, transmission or distribution of electricity, and telecommunications, for consumption in a rural and remote community or communities;

“(3) the acquisition, construction, repair, reconstruction, remediation or installation of facilities for the safe storage and efficient management of bulk fuel by rural and remote communities, and facilities for the distribution of such fuel to consumers in a rural or remote communities;

“(4) facilities and training to reduce costs of maintaining and operating generation, distribution or transmission systems to a rural and remote community or communities;

“(5) the institution of professional management and maintenance services for electricity generation transmission or distribution to a rural and remote community or communities;

“(6) the investigation of the feasibility of alternate energy sources for a rural and remote community or communities;

“(7) acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water or waste water service;

“(8) the acquisition of disposition of real property (including air rights, water rights, and other interests therein) for eligible rural and remote community development activities; and

“(9) activities necessary to develop and implement a comprehensive rural and remote development plan, including payment of reasonable administrative costs related to planning and execution of rural and remote community development activities.

“(b) eligible activities may be undertaken either directly by the rural and remote community, or by the rural and remote community through local electric utilities.

“SEC. 906. ALLOCATION AND DISTRIBUTION OF FUNDS.—For each fiscal year, of the amount approved in an appropriation act under section 903 for grants in any year, the Secretary shall distribute to each rural and remote community which has filed a final statement of rural and remote community development objectives and projected use of funds under section 904, an amount which shall be allocated among the rural and remote communities that filed a final statement of rural and remote community development objectives and projected use of funds under section 904 proportionate to the percentage that the average retail price per kilowatt hour of electricity for all classes of consumers in the rural and remote community exceeds the national average retail price per kilowatt hour for electricity for all consumers in the United States, as determined by data provided by the Department of Energy’s Energy Information Administration. In allocating funds under this section, the Secretary shall give special consideration to those rural and remote communities that increase economies of scale through consolidation of services, affiliation and regionalization of eligible activities under this title.

SEC. 907. REMEDIES FOR NONCOMPLIANCE.—The provisions of section 111 of the Housing and Community Development Act of 1974 shall apply to assistance distributed under this title.”.

Subtitle B—Rural and Remote Community Electrification Grants

SEC. 04.—After section 313(b) of the rural Electrification Act of 1936, add the following new subsection:

“(c) RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.—The Secretary is authorized to provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, lowering or stabilizing electric rates to end users, or providing or modernizing electric facilities in rural and remote communities.

“(d) For purposes of subsection (c), there is authorized to be appropriated \$20,000,000 for each of fiscal years 2003–2009.”

SEC. 06.—There is hereby authorized to be appropriated \$5,000,000 for each of fiscal years 2003–2009 to the Denali commission established by Public Law 105–227, 42 U.S.C. 3121 for the purposes of funding the power cost equalization program.

Subtitle C—Rural Recovery Community Development Block Grants

SEC. 07.—The Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

“Sec. 123. Rural Recovery Community Development Block Grants.

“(a) FINDINGS; PURPOSE.—

“(1) FINDINGS.—Congress finds that—

“(A) a modern infrastructure, including affordable housing, wastewater and water service, and advanced technology capabilities is a necessary ingredient of a modern society and development of a prosperous economy with minimal environmental impacts;

“(B) the Nation's rural areas face critical social, economic, and environmental problems, arising in significant measure from the growing cost of infrastructure development in rural areas that suffer from low per capita income and high rates of outmigration and are not adequately addressed by existing Federal assistance programs; and

“(C) the future welfare of the National and the well-being of its citizens depend on the establishment and maintenance of viable rural areas as social, economic, and political entities.

“(2) PURPOSE.—The purpose of this section is to provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance to eligible units of general local government and eligible Native American groups in rural areas with excessively high rates of outmigration and low per capita income levels.

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE UNIT OF GENERAL LOCAL GOVERNMENT.—The term ‘eligible unit of general local government’ means a unit of general local government that is the governing body of a rural recovery area.

“(2) ELIGIBLE INDIAN TRIBE.—The term ‘eligible Indian tribe’ means the governing body of an Indian tribe that is located in a rural recovery area.

“(3) GRANTEE.—The term ‘grantee’ means an eligible unit of general local government or eligible Indian tribe that receives a grant under this section.

“(4) NATIVE AMERICAN GROUP.—The term ‘Native American group’ means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

“(5) RURAL RECOVERY AREA.—The term ‘rural recovery area’ means any geographic

area represented by a unit of general local government or a Native American group—

“(A) the borders of which are not adjacent to a metropolitan area;

“(B) in which—

“(i) the population outmigration level equals or exceeds 1 percent over the most recent five year period, as determined by the Secretary of Housing and Urban Development; and,

“(ii) the per capita income is less than that of the national nonmetropolitan average; and

“(C) that does not include a city with a population of more than 15,000.

“(6) UNIT OF GENERAL LOCAL GOVERNMENT.—

“(A) IN GENERAL.—The term ‘unit of general local government’ means any city, county, town, township, parish, village, borough (organized or unorganized), or other general purpose political subdivision of a State; Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions that, except as provided in section 106(d)(4), is recognized by the Secretary; and the District of Columbia.

“(B) OTHER ENTITIES INCLUDED.—The term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), community association, or other entity, that is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or title IV of the Housing and Urban Development Act of 1968.

“(c) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to eligible units of general local government, Native American groups and eligible Indian tribes that meet the requirements of subsection (d) to carry out eligible activities described in subsection (f).

“(d) ELIGIBILITY REQUIREMENTS.—

“(1) STATEMENT OF RURAL DEVELOPMENT OBJECTIVES.—In order to receive a grant under this section for a fiscal year, an eligible unit of general local government, Native American group or eligible Indian tribe—

“(A) shall—

“(i) publish a proposed statement of rural development objectives and a description of the proposed eligible activities described in subsection (f) for which the grant will be used; and

“(ii) afford residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe with an opportunity to examine the contents of the proposed statement and the proposed eligible activities published under clause (i), and to submit comments to the eligible unit of general local government, Native American group or eligible Indian tribe, as applicable, on the proposed statement and the proposed eligible activities, and the overall community development performance of the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable; and

“(B) based on any comments received under subparagraph (A)(ii), prepare and submit to the Secretary—

“(i) a final statement of rural development objectives;

“(ii) a description of the eligible activities described in subsection (f) for which a grant received under this section will be used; and

“(iii) a certification that the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, will comply with the requirements of paragraph (2).

“(2) PUBLIC NOTICE AND COMMENT.—In order to enhance public accountability and facilitate the coordination of activities among different levels of government, an eligible unit of general local government, Native American groups or eligible Indian tribe that receives a grant under this section shall, as soon as practicable after such receipt, provide the residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, with—

“(A) a copy of the final statement submitted under paragraph (1)(B);

“(B) information concerning the amount made available under this section and the eligible activities to be undertaken with that amount;

“(C) reasonable access to records regarding the use of any amounts received by the eligible unit of general local government, Native American groups or eligible Indian tribe under this section in any preceding fiscal year; and

“(D) reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of amounts received under this section from one eligible activity to another.

“(e) DISTRIBUTION OF GRANTS.—

“(1) IN GENERAL.—In each fiscal year, the Secretary shall distribute to each eligible unit of general local government, Native American groups and eligible Indian tribe that meets the requirements of subsection (d)(1) a grant in an amount described in paragraph (2).

“(2) AMOUNT.—Of the total amount made available to carry out this section in each fiscal year, the Secretary shall distribute to each grantee the amount equal to the greater of—

“(A) the pro rata share of the grantee, as determined by the Secretary, based on the combined annual population outmigration level (as determined by the Secretary of Housing and Urban Development) and the per capita income for the rural recovery area served by the grantee; or

“(B) \$200,000.

“(f) ELIGIBLE ACTIVITIES.—Each grantee shall use amounts received under this section for one or more of the following eligible activities, which may be undertaken either directly by the grantee, or by any local economic development corporation, regional planning district, nonprofit community development corporation, or statewide development organization authorized by the grantee:

“(1) the acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water and wastewater service or any other infrastructure needs determined to be critical to the further development or improvement of a designated industrial park;

“(2) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for rural community development activities;

“(3) the development of telecommunications infrastructure within a designated industrial park that encourages high technology business development in rural areas;

“(4) activities necessary to develop and implement a comprehensive rural development plan, including payment of reasonable administrative costs related to planning and execution of rural development activities; or

“(5) affordable housing initiatives.

“(g) PERFORMANCE AND EVALUATION REPORT.—

“(1) IN GENERAL.—Each grantee shall annually submit to the Secretary a performance and evaluation report, concerning the use of amounts received under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include a description of—

“(A) the eligible activities carried out by the grantee with amounts received under this section, and the degree to which the grantee has achieved the rural development objectives included in the final statement submitted under subsection (d)(1);

“(B) the nature of and reasons for any change in the rural development objectives or the eligible activities of the grantee after submission of the final statement under subsection (d)(1); and

“(C) any manner in which the grantee would change the rural development objectives of the grantee as a result of the experience of the grantee in administering amounts received under this section.

“(h) RETENTION OF INCOME.—A grantee may retain any income that is realized from the grant, if—

“(1) the income was realized after the initial disbursement of amounts to the grantee under this section; and

“(2) the—

“(A) grantee agrees to utilize the income for 1 or more eligible activities; or

“(B) amount of the income is determined by the Secretary to be so small that compliance with subparagraph (A) would create an unreasonable administrative burden on the grantee.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriate to carry out this section \$100,000,000 for each of fiscal years 2003 through 2009.”.

SA 2997. Mr. LEVIN (for himself, Mr. BOND, Ms. STABENOW, and Ms. MIKULSKI) proposed an amendment to amend- ment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In title VIII, strike the heading for subtitle A and all that follows through section 811 and insert the following:

Subtitle A—CAFE Standards, Alternative Fuels, and Advanced Technology

SEC. 801. INCREASED FUEL ECONOMY STANDARDS.

(a) REQUIREMENT FOR NEW REGULATIONS.—

(1) IN GENERAL.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for automobiles that are determined on the basis of the maximum feasible average fuel economy levels for the automobiles, taking into consideration the matters set forth in subsection (f) of such section.

(2) TIME FOR ISSUING REGULATIONS.—

(A) NON-PASSENGER AUTOMOBILES.—For non-passenger automobiles, the Secretary of Transportation shall issue the final regulations not later than 15 months after the date of the enactment of this Act.

(B) PASSENGER AUTOMOBILES.—For passenger automobiles, the Secretary of Transportation shall issue—

(i) the proposed regulations not later than 180 days after the date of the enactment of this Act; and

(ii) the final regulations not later than two years after that date.

(b) PHASED INCREASES.—The regulations issued pursuant to subsection (a) shall specify standards that take effect successively over several vehicle model years not exceeding 15 vehicle model years.

(c) CLARIFICATION OF AUTHORITY TO AMEND PASSENGER AUTOMOBILE STANDARD.—Section 32902(b) of title 49, United States Code, is

amended by inserting before the period at the end the following: “or such other number as the Secretary prescribes under subsection (c)”.

(d) ENVIRONMENTAL ASSESSMENT.—When issuing final regulations setting forth increased average fuel economy standards under this section, the Secretary of Transportation shall also issue an environmental assessment of the effects of the implementation of the increased standards on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Transportation for fiscal year 2003, to remain available until expended, \$2,000,000 to carry out this section.

SEC. 802. EXPEDITED PROCEDURES FOR CONGRESSIONAL INCREASE IN FUEL ECONOMY STANDARDS.

(a) CONDITION FOR APPLICABILITY.—If the Secretary of Transportation fails to issue final regulations with respect to non-passenger automobiles under section 801, or fails to issue final regulations with respect to passenger automobiles under such section, on or before the date by which such final regulations are required by such section to be issued, respectively, then this section shall apply with respect to a bill described in subsection (b).

(b) BILL.—A bill referred to in this subsection is a bill that satisfies the following requirements:

(1) INTRODUCTION.—The bill is introduced by one or more Members of Congress not later than 60 days after the date referred to in subsection (a).

(2) TITLE.—The title of the bill is as follows: “A bill to establish new average fuel economy standards for certain motor vehicles.”.

(3) TEXT.—The bill provides after the enacting clause only the text specified in subparagraph (A) or (B) or any provision described in subparagraph (C), as follows:

(A) NON-PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to non-passenger automobiles, the following text:

“That, section 32902 of title 49, United States Code, is amended by adding at the end the following new subsection:

“() NON-PASSENGER AUTOMOBILES.—The average fuel economy standard for non-passenger automobiles manufactured by a manufacturer in a model year after model year _____ shall be _____ miles per gallon.”, the first blank space being filled in with a subsection designation, the second blank space being filled in with the number of a year, and the third blank space being filled in with a number.

(B) PASSENGER AUTOMOBILES.—In the case of a bill relating to a failure timely to issue final regulations relating to passenger automobiles, the following text:

“That, section 32902(b) of title 49, United States Code, is amended to read as follows:

“(b) PASSENGER AUTOMOBILES.—Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year _____ shall be _____ miles per gallon.”, the first blank space being filled in with the number of a year and the second blank space being filled in with a number.

(C) SUBSTITUTE TEXT.—Any text substituted by an amendment that is in order under subsection (c)(3).

(c) EXPEDITED PROCEDURES.—A bill described in subsection (b) shall be considered in a House of Congress in accordance with the procedures provided for the consideration of joint resolutions in paragraphs (3)

through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98-473; 98 Stat. 1936), with the following exceptions:

(1) REFERENCES TO RESOLUTION.—The references in such paragraphs to a resolution shall be deemed to refer to the bill described in subsection (b).

(2) COMMITTEES OF JURISDICTION.—The committees to which the bill is referred under this subsection shall—

(A) in the Senate, be the Committee on Commerce, Science, and Transportation; and

(B) in the House of Representatives, be the Committee on Energy and Commerce.

(3) AMENDMENTS.—

(A) AMENDMENTS IN ORDER.—Only four amendments to the bill are in order in each House, as follows:

(i) Two amendments proposed by the majority leader of that House.

(ii) Two amendments proposed by the minority leader of that House.

(B) FORM AND CONTENT.—To be in order under subparagraph (A), an amendment shall propose to strike all after the enacting clause and substitute text that only includes the same text as is proposed to be stricken except for one or more different numbers in the text.

(C) DEBATE, ET CETERA.—Subparagraph (B) of section 8066(c)(5) of the Department of Defense Appropriations Act, 1985 (98 Stat. 1936) shall apply to the consideration of each amendment proposed pursuant to subparagraph (A) of this paragraph in the same manner as such subparagraph (B) applies to debatable motions.

SEC. 803. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

“(f) CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

“(1) Technological feasibility.

“(2) Economic practicability.

“(3) The effect of other motor vehicle standards of the Government on fuel economy.

“(4) The need of the United States to conserve energy.

“(5) The desirability of reducing United States dependence on imported oil.

“(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

“(7) The effects of increased fuel economy on air quality.

“(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

“(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

“(10) The cost and lead time necessary for the introduction of the necessary new technologies.

“(11) The potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to the achievement of significant reductions in fuel consumption.

“(12) The extent to which the necessity for vehicle manufacturers to incur near-term costs to comply with the average fuel economy standards adversely affects the availability of resources for the development of advanced technology for the propulsion of motor vehicles.

“(13) The report of the National Research Council that is entitled ‘Effectiveness and Impact of Corporate Average Fuel Economy Standards’, issued in January 2002.”.

SEC. 804. EXTENSION OF MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUELED VEHICLES.

Section 32906(a)(1) of title 49, United States Code, is amended—

- (1) in subparagraph (A), by striking “1993–2004” and inserting “1993 through 2008”; and
- (2) in subparagraph (B), by striking “2005–2008” and inserting “2009 through 2012”.

SEC. 805. PROCUREMENT OF ALTERNATIVE FUELED AND HYBRID LIGHT DUTY TRUCKS.

(a) VEHICLE FLEETS NOT COVERED BY REQUIREMENT IN ENERGY POLICY ACT OF 1992.—

(1) HYBRID VEHICLES.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only hybrid vehicles are procured by or for each agency fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) WAIVER AUTHORITY.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of hybrid vehicles in paragraph (1) to that agency to the extent that the head of that agency determines necessary—

(A) to meet specific requirements of the agency for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government;

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid vehicles; or

(D) to avoid the necessity of procuring a hybrid vehicle for the agency when each of the hybrid vehicles available for meeting the requirements of the agency has a cost to the United States that exceeds the costs of comparable nonhybrid vehicles by a factor that is significantly higher than the difference between—

(i) the real cost of the hybrid vehicle to retail purchasers, taking into account the benefit of any tax incentives available to retail purchasers for the purchase of the hybrid vehicle; and

(ii) the costs of the comparable nonhybrid vehicles to retail purchasers.

(3) APPLICABILITY TO PROCUREMENTS AFTER FISCAL YEAR 2004.—This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) REQUIREMENT TO EXCEED REQUIREMENT IN ENERGY POLICY ACT OF 1992.—

(1) LIGHT DUTY TRUCKS.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured in fiscal years after fiscal year 2004 for the fleets of light duty vehicles of the agency to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies—

(A) five percent of the total number of such trucks that are procured in each of fiscal years 2005 and 2006 are alternative fueled vehicles or hybrid vehicles; and

(B) ten percent of the total number of such trucks that are procured in each fiscal year after fiscal year 2006 are alternative fueled vehicles or hybrid vehicles.

(2) COUNTING OF TRUCKS.—Light duty trucks acquired for an agency of the executive branch that are counted to comply with section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for a fiscal year shall be counted to determine the total number of light duty trucks procured for that agency for that fiscal year for the purposes of paragraph (1), but shall not be counted to satisfy the requirement in that paragraph.

(c) DEFINITIONS.—In this section:

(1) HYBRID VEHICLE.—The term “hybrid vehicle” means—

(A) a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; and

(B) any other vehicle that is defined as a hybrid vehicle in regulations prescribed by the Secretary of Energy for the administration of title III of the Energy Policy Act of 1992.

(2) ALTERNATIVE FUELED VEHICLE.—The term “alternative fueled vehicle” has the meaning given that term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(d) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section does not apply to the Department of Defense, which is subject to comparable requirements under section 318 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1055; 10 U.S.C. 2302 note).

SEC. 806. USE OF ALTERNATIVE FUELS.

(a) EXCLUSIVE USE OF ALTERNATIVE FUELS IN DUAL FUELED VEHICLES.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that, not later than January 1, 2009, the fuel actually used in the fleet of dual fueled vehicles used by the agency is an alternative fuel.

(b) WAIVER AUTHORITY.—

(1) CAPABILITY WAIVER.—

(A) AUTHORITY.—If the Secretary of Transportation determines that not all of the dual fueled vehicles can operate on alternative fuels at all times, the Secretary may waive the requirement of subsection (a) in part, but only to the extent that—

(i) not later than January 1, 2009, not less than 50 percent of the total annual volume of fuel used in the dual fueled vehicles shall be alternative fuels; and

(ii) not later than January 1, 2011, not less than 75 percent of the total annual volume of fuel used in the dual fueled vehicles shall be alternative fuels.

(B) EXPIRATION.—In no case may a waiver under subparagraph (A) remain in effect after December 31, 2012.

(2) REGIONAL FUEL AVAILABILITY WAIVER.—The Secretary may waive the applicability of the requirement of subsection (a) to vehicles used by an agency in a particular geographic area where the alternative fuel otherwise required to be used in the vehicles is not reasonably available to retail purchasers of the fuel, as certified to the Secretary by the head of the agency.

(c) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term “alternative fuel” has the meaning given that term in section 32901(a)(1) of title 49, United States Code.

(2) DUAL FUELED VEHICLE.—The term “dual fueled vehicle” has the meaning given the term “dual fueled automobile” in section 32901(a)(8) of title 49, United States Code.

(3) FLEET.—The term “fleet”, with respect to dual fueled vehicles, has the meaning that is given that term with respect to light duty motor vehicles in section 301(9) of the Energy Policy Act of 1992 (42 U.S.C. 13211(9)).

SEC. 807. HYBRID ELECTRIC AND FUEL CELL VEHICLES.

(a) EXPANSION OF SCOPE.—The Secretary of Energy shall expand the research and development program of the Department of Energy on advanced technologies for improving the environmental cleanliness of vehicles to emphasize research and development on the following:

(1) Fuel cells, including—

(A) high temperature membranes for fuel cells; and

(B) fuel cell auxiliary power systems.

(2) Hydrogen storage.

(3) Advanced vehicle engine and emission control systems.

(4) Advanced batteries and power electronics for hybrid vehicles.

(5) Advanced fuels.

(6) Advanced materials.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Energy for fiscal year 2003, the amount of \$225,000,000 for carrying out the expanded research and development program provided for under this section.

SEC. 808. DIESEL FUELED VEHICLES.

(a) DIESEL COMBUSTION AND AFTER TREATMENT TECHNOLOGIES.—The Secretary of Energy shall accelerate research and development directed toward the improvement of diesel combustion and after treatment technologies for use in diesel fueled motor vehicles.

(b) GOAL.—

(1) COMPLIANCE WITH TIER 2 EMISSION STANDARDS BY 2010.—The Secretary shall carry out subsection (a) with a view to developing and demonstrating diesel technology meeting tier 2 emission standards not later than 2010.

(2) TIER 2 EMISSION STANDARDS DEFINED.—In this subsection, the term “tier 2 emission standards” means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on February 10, 2000, under sections 202 and 211 of the Clean Air Act to apply to passenger cars, light trucks, and larger passenger vehicles of model years after the 2003 vehicle model year.

SEC. 809. FUEL CELL DEMONSTRATION.

(a) PROGRAM REQUIRED.—The Secretary of Energy and the Secretary of Defense shall jointly carry out a program to demonstrate—

(1) fuel cell technologies developed in the PNGV and Freedom Car programs;

(2) fuel cell technologies developed in research and development programs of the Department of Defense; and

(3) follow-on fuel cell technologies.

(b) PURPOSES OF PROGRAM.—The purposes of the program are to identify and support technological advances that are necessary to achieve accelerated availability of fuel cell technology for use both for nonmilitary and military purposes.

(c) COOPERATION WITH INDUSTRY.—

(1) IN GENERAL.—The demonstration program shall be carried out in cooperation with industry, including the automobile manufacturing industry and the automotive systems and component suppliers industry.

(2) COST SHARING.—The Secretary of Energy and the Secretary of Defense shall provide for industry to bear, in cash or in kind, at least one-half of the total cost of carrying out the demonstration program.

(d) DEFINITIONS.—In this section:

(1) PNGV PROGRAM.—The term “PNGV program” means the Partnership for a New Generation of Vehicles, a cooperative program engaged in by the Departments of Commerce, Energy, Transportation, and Defense, the Environmental Protection Agency, the National Science Foundation, and the National Aeronautics and Space Administration with the automotive industry for the purpose of developing a new generation of vehicles with capabilities resulting in significantly improved fuel efficiency together with low emissions without compromising the safety, performance, affordability, or utility of the vehicles.

(2) FREEDOM CAR PROGRAM.—The term “Freedom Car program” means a cooperative research program engaged in by the Department of Energy with the United States Council on Automotive Research as a follow-on to the PNGV program.

SEC. 810. BUS REPLACEMENT.

(a) **REQUIREMENT FOR STUDY.**—The Secretary of Transportation shall carry out a study to determine how best to provide for converting the composition of the fleets of buses in metropolitan areas and school systems from buses utilizing current diesel technology to—

- (1) buses that draw propulsion from on-board fuel cells;
- (2) buses that are hybrid electric vehicles;
- (3) buses that are fueled by clean-burning fuels, such as renewable fuels (including agriculture-based biodiesel fuels), natural gas, and ultra-low sulphur diesel;
- (4) buses that are powered by clean diesel engines; or
- (5) an assortment of buses described in paragraphs (1), (2), (3), and (4).

(b) REPORT.—

(1) **REQUIREMENT.**—The Secretary of Transportation shall submit a report on the results of the study on bus fleet conversions under subsection (a) to Congress.

(2) **CONTENT.**—The report on bus fleet conversions shall include the following:

(A) An assessment of effectuating conversions by the following means:

- (i) Replacement of buses.
- (ii) Replacement of power and propulsion systems in buses utilizing current diesel technology.
- (iii) Other means.

(B) Feasible schedules for carrying out the conversions.

(C) Estimated costs of carrying out the conversions.

(D) An assessment of the benefits of the conversions in terms of emissions control and reduction of fuel consumption.

NOTICES OF HEARINGS/MEETINGS**COMMITTEE ON INDIAN AFFAIRS**

Mr. INOUE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 14, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's budget request for Indian programs for fiscal year 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET**COMMITTEE ON ARMED SERVICES**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 12, 2002, at 9:30 a.m., in closed session to receive a classified briefing on current military operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 12, 2002, at 10 a.m. to conduct an oversight hearing on "The U.S. Economic Outlook."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, March 12, 2002 at 2:30 p.m. to hold a hearing to receive testimony on the proposed First Responder Initiative in President Bush's FY03 budget. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 12, 2002 at 10 a.m. to hear testimony on "Welfare Reform: What Have We Learned?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, March 12, 2002 immediately following the first roll call vote of the day for a business meeting to consider the nominations of: (1) Louis Kincannon to be Director of the Census, and (2) Jeanette Clark to be an Associate Judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a vote regarding the Nomination of Melanie R. Sabelhaus to be Deputy Administrator of the U.S. Small Business Administration, on Tuesday, March 12, 2002, immediately following the first vote of the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 12, 2002, at 2:30 p.m., in open and possibly closed session to receive testimony on special operations capabilities, operational requirements, and technology acquisition, in review of the defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, March 12, 2002, at

2:30 p.m. for a hearing regarding "Critical Skills for National Security and the The Homeland Security Federal Workforce Act (S. 1800)."

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on The Health Care Crisis of the Uninsured: What are the Solutions during the session of the Senate on Tuesday, March 12, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK, AND WASTE MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk, and Waste Management be authorized to meet on Tuesday, March 12, 2002 at 10 a.m. to hold a hearing to receive testimony on environmental enforcement. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, as amended by Public Law 105-275, appoints Dennis Holub, of South Dakota, as a member of the Board of Trustees of the American Folklife Center of the Library of Congress.

ORDERS FOR WEDNESDAY, MARCH 13, 2002

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m., Wednesday, March 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 9:30 a.m., with the time under the control of Senator ALLEN; further, at 9:30 a.m., the Senate resume consideration of the energy reform bill, for debate only in relation to ethanol until 11:30 a.m., with the time equally divided between Senators NELSON of Nebraska and BOND or their designees; further, that at 11:30 a.m., the Senate proceed under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. The next rollcall vote will occur at approximately 11:50 a.m. in relation to the Levin CAFE amendment.

ADJOURNMENT UNTIL 9 A.M.
TOMORROW

Mr. LEVIN. Madam President, if there is no further business to come before the Senate—and I thank the Chair for her patience tonight—I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Wednesday, March 13, 2002, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE A. CARLSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT C. HINSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DUNCAN J. MCNABB, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH H. WEHRLE JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS B. GOSLIN JR., 0000

IN THE ARMY

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY

RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. JAMES R. HELMLY, 0000

CONFIRMATION

Executive nomination confirmed by the Senate March 12, 2002:

THE JUDICIARY

RALPH R. BEISTLINE, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 12, 2002, withdrawing from further Senate consideration the following nomination:

MAJOR GENERAL CHARLES F. BOLDEN, JR., UNITED STATES MARINE CORPS, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, WHICH WAS SENT TO THE SENATE ON FEBRUARY 26, 2002.

EXTENSIONS OF REMARKS

HONORING MATHEMATICS, ENGINEERING, SCIENCE ACHIEVEMENT (MESA)

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor MESA for receiving the prestigious 2001 Innovations in American Government Award. MESA has been successful in assisting educationally disadvantaged students excel in math, engineering and science.

MESA has touched over 30,800 students' lives, via the outreach programs in 440 schools, 35 community colleges, and 23 universities across the nation. Through participation in MESA 85 percent of graduating high school seniors advance to college. MESA promotes its participants by establishing an atmosphere of diverse partnerships among students who support each other's academic success. MESA is one out of five programs in the nation to receive the award, and the only program from California to be honored with the award this year.

Mr. Speaker, I rise today to congratulate MESA for receiving the 2001 Innovation in American Government Award. I invite my colleagues to join me in thanking MESA for its outstanding service to the community and wishing MESA many more years of continued success.

CONCERN FOR NEW FLOOD CONTROL RULES

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. HORN. Mr. Speaker, the goal of improving our environment and providing cleaner air and water for future generations is an essential one.

Cleansing our national waterways has been a top priority for me throughout my time in public service. At the same time, however, I have recognized that we must undertake these efforts in ways that achieve important objectives without placing unduly onerous burdens on the communities responsible for implementing environmental regulations.

The cities that share Los Angeles County are now facing precisely this challenge as a result of a recent interpretation of storm water runoff regulations. As Don Waldie, a city official in Lakewood, wrote in an article printed in the February 4, 2002, Los Angeles Times, cities throughout Los Angeles County are, "about to be hit with a 'storm water tax' of up to \$53 billion over the next 10 years to attempt what may be impossible—to make the waters of the Los Angeles River fishable, swimmable and potentially drinkable."

The Coalition for Practical Regulation, comprised of 42 cities directly affected by these

regulations, has been formed to seek sensible solutions to the storm water runoff issue. I am pleased to be working with these cities in an effort to secure federal funding for a pilot program aimed at finding solutions. We must find solutions that will not force cities to choose between cutting essential services or drastically increasing local taxes.

I urge my colleagues to review Mr. Waldie's article, which follows my remarks. What is happening to the cities in my district and in those of several other Members representing the cities of Los Angeles County, may be coming to your area soon. Sensible, affordable solutions must be found so that communities throughout the nation do not soon find themselves placed in the untenable position now confronting the communities of Los Angeles County.

[From the Los Angeles Times, Feb. 4, 2002]

NEW FLOOD CONTROL RULES MUDDY THE LOCAL WATERS

(By D.J. Waldie)

Neither good science nor good technology exists today to test for or remove all the possible contaminants flowing into the county-operated flood control system from lawn watering and cars driving on city streets.

Yet cities throughout Los Angeles County are about to be hit with a "storm water tax" of up to \$53 billion over the next 10 years to attempt what may be impossible—to make the waters of the Los Angeles River fishable, swimmable and potentially drinkable.

But should they be? What if the cost means less money for parks, police, housing and community services?

What if the cost of turning the Los Angeles River into a mountain stream means severely degrading the quality of life in the small cities along the river's banks?

Neither the voters nor their elected city and county representatives had the opportunity to have those questions answered because the nine members of the Los Angeles Regional Water Quality Control Board, all appointed by the governor, decided that these questions don't matter.

The board unanimously adopted in December a revised storm water permit for most of the county's 84 cities that contains 44 new quality standards.

Meeting just one of them—a "total maximum daily load" for trash in the flood control channel of "zero" by 2012—will cost county taxpayers an estimated \$1 billion.

The cost for meeting this standard—and all the others—will be covered by new city fees and user charges for property owners or will be taken from municipal funds needed to maintain streets, pay for police or keep community centers open.

Some of the hardest-pressed cities in the state must remake their budgets to become the Los Angeles regional board's enforcement arm.

Maywood has a general fund budget of about \$6 million. What part of law enforcement in Maywood does the regional board consider appropriate to cut in order to police storm drains?

In Bell Gardens, enforcement efforts would be equal to 100% of the city's recreation budget. In Huntington Park, it's at least 75%.

Even worse, these cities face a grinding round of citizen lawsuits under the federal Clean Water Act and fines of up to \$27,500 a day if they fail to comply with the board's mandates.

Cities and the county can be sued even if they make good-faith efforts to clean up storm water or if the experimental technologies they use don't work.

These costs didn't impress the members of the Los Angeles regional board.

One member waved off concerns, saying cities would find the money somehow.

In response to such indifference, the county, the city of Los Angeles and most of the county's other cities have appealed the regional board's storm water permit to the State Water Resources Control Board.

It may be too late, however, to rescue workable storm water regulation from a future of unnecessary conflict and the expense of the inevitable court cases.

All this could have been avoided.

We already have a model for negotiating environmental goals into the operation of the flood control system.

Five years ago, when the small cities of the southeast area of the country were faced with the catastrophic failure of the local flood control system, everyone—the county Public Works Department, the cities, federal agencies and skeptical environmental organizations—sat down (after initial conflict) to work out solutions that restored flood protection and began the environmental revival of the wastelands along the rivers' edge.

With realistic goals, everyone at the table became an advocate for both the efficient operation of the flood control system and the riverside environment.

The open space and recreation projects that came out of this process are an integral part of the \$100-million, state-funded revitalization of the entire Los Angeles River.

The give and take of negotiation won't satisfy environmental absolutists, who are intolerant of less-than-perfect solutions, but the State Water Resources Control Board should at least try.

The state water board should halt the imposition of the regional board's storm water tax and assert its leadership by joining with the cities, the county and the environmental community in a collaborative review of realistic, scientifically sound and environmentally just goals for storm water quality.

TRIBUTE TO MR. BOON SWAN FOO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. ORTIZ. Mr. Speaker, I rise today to pay special tribute to a gentleman I have come to know and respect in recent years as we have worked on defense and economic development-related opportunities for South Texas.

I want to commend Mr. Boon Swan Foo, the former Deputy Chairman and Chief Executive Officer of Singapore Technologies, for winning the title of Outstanding CEO for 2000. The award is one of several Singapore Business Awards administered by the Business Times and DHL Worldwide Express.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Singapore Technologies designs, develops, manufactures and markets a range of engineering opportunities for both the military and commercial uses. Mr. Boon has been with the company since 1979, beginning as a marine engineer.

His vision to take this global enterprise to the next level was not hot air; he did it the old-fashioned way, from the ground up, taking care of the assorted details along the way. Market capitalization grew by \$6 billion in roughly five years and he raised disclosure standards.

He has two philosophies for running a successful company. One, he got the best people by recruiting, retaining and retraining. He found smart, talented people; he enticed them to stay and he offered them continual professional development.

The other philosophy is enshrined in the company motto: "A bowstring which is always kept taut will soon become over-stretched, lose its elasticity and cease to be of use. So it is with human beings, who must alternate work with relaxation."

To that end, this high-level executive lives on the edge by indulging in deep sea diving and skydiving. Between these activities he is an avid jogger.

I ask my colleagues to join me in commending my friend, Boon Swann Foo, for winning the prestigious Business Award.

FAIR WINDS AND FOLLOWING
SEAS TO COMMANDER LAURELL
A. BRAULT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize an outstanding naval officer, Commander Laurell A. Brault, who served with distinction and dedication for over two years for the Secretary of the Navy and under the Assistant Secretary of the Navy (FM&C) as a Navy Appropriations Liaison Officer. It is a privilege for me to recognize her many outstanding achievements and commend her for the superb service she has provided to the Department of the Navy, the Congress, and our nation.

On a professional level, Commander Brault has supported members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and associate staffs, providing critical information on Department of the Navy plans, programs and budget decisions since January 2000. Her valuable contributions have enabled the Defense Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped naval forces attainable for the defense of our great nation. As a Member of the Subcommittee representing the San Diego naval community, I have worked extensively with Laurell, and have come to greatly admire her.

Although she is a quiet and very humble person, no one should mistake those qualities as weaknesses in the rough and tumble world of Washington. Laurell is a very strong, talented and reliable professional, who has worked her system to be more responsive to

our needs on Capitol Hill. More than serving as a conduit of information between the legislative and executive branches, Laurell has reached out to her colleagues and taken the time to get to know us on a personal level.

Nowhere is that personal touch and caring more evident than in her life outside the Pentagon. Despite the long and demanding hours she keeps as a Navy liaison, she continues to devote considerable time to her faith and community. She dedicates considerable time each week for a host of volunteer programs at her church and to an ever expanding group of "adopted" family that she has come to know through those efforts. I am certain that everyone who has had the opportunity to get to know Laurell and work with her is the better for it, and I am pleased to be among that fortunate group.

Mr. Speaker, Laurell Brault and her husband Jim have made many sacrifices during her Navy career, and her distinguished and unselfish service has exemplified the best our nation has to offer. As they depart the Appropriations Matters Office to embark on yet another great Navy adventure in the service of a grateful nation, I call upon colleagues to wish them both every success, and the traditional Navy "fair winds and following seas."

REMEMBERING ALFRED P.
HOLMES, JR., OF MOBILE, ALA-
BAMA

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RILEY. Mr. Speaker, I rise this evening in remembrance of my fellow Alabamian, Alfred P. Holmes, Jr., who was laid to rest earlier today in his hometown of Mobile. He was 71, and filled those years with family, friends, and service to his country and community, and I believe Congress should take note of his exceptional life.

Mr. Holmes believed in public service. He believed that people should use their talents to help their fellow man. After earning a bachelor's degree and juris doctor degree from the University of Alabama, he began a distinguished legal career built upon those noble ideals.

Mr. Holmes served his Nation as an officer in the U.S. Army's Judge Advocate General Corps and as an assistant U.S. Attorney for the Southern District of Alabama. He was a member of the local, State and Federal bar associations and past president of the Mobile Area Federal Bar Association.

Mr. Holmes retired in 1990 as chief of the legal division in Mobile's district of the U.S. Corps of Engineers. While serving nearly three decades in that capacity, he helped guide the Corps' much-needed activities through complicated litigation, and paved the way for many of the monumental engineering and transportation projects that continue to benefit his fellow Alabamians.

While at the Corps, Mr. Holmes was presented with the U.S. Corps of Engineers Exemplary Service Award and was inducted into the District Gallery of Distinguished Civilian Employees.

Mr. Holmes was a graduate of Murphy High School and had lived in Mobile since child-

hood. He was a member of Ashland Place United Methodist Church and was chairman of its board of trustees at the time of his death.

Alfred Holmes was a fine man who lived a fine life. He was loved and cherished by his wife, Angie, honored and respected by his sons, Parker and Brock, and adored by his grandson, Michael.

They will miss a husband, a father, and a grandfather, and the entire city of Mobile will miss a dear friend and loyal citizen.

We in Congress salute the life of Alfred Holmes.

TRIBUTE TO MR. ARTHUR R.
KONDRUP

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. HOLT. Mr. Speaker, I rise to recognize and celebrate the YMCA of Western Monmouth County's 2002 Community Service Honoree, Mr. Arthur R. Kondrup, president of the Western Monmouth County Chamber of Commerce and his significant contributions to central New Jersey.

For more than three decades, Mr. Kondrup has given selflessly of his time, treasure, and talents through his commitment to community, church, and family. With a reputation that precedes him, Arthur's legacy of hard work and dedication to worthwhile endeavors makes him well known throughout Central New Jersey.

Over the years, Arthur has served his State honorably in numerous public service positions. As an elected official, he served on the governing body in Freehold Township for 14 years, including five terms as mayor. At the State level, Mr. Kondrup was appointed by Governor Kean as the first chairman of the New Jersey Council on Affordable Housing. As chairman, he took on the difficult task of implementing the New Jersey Fair Housing Act.

A keystone of Arthur's life has been his involvement with church and his commitment to his faith. Among his varying accomplishments, he has been a member of the Knights of Columbus for 46 years and has served as a lector at Sunday mass for over 30 years.

Additionally, it is appropriate to note that this September 13th, Arthur and his wife Patricia will celebrate their 50th wedding anniversary. Arthur and Patricia are the proud parents of five children and grandparents of nine.

Mr. Speaker, again, I rise to celebrate, honor and commend this outstanding New Jerseyman. I ask my colleagues to join me in recognizing Arthur Kondrup's invaluable contributions to our community and to central New Jersey.

RARITAN'S 2002 WOMEN OF DIS-
TINCTION AND GIRL SCOUTS OF
DISTINCTION HONOREES

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. HOLT. Mr. Speaker, I rise to recognize and celebrate the Girl Scouts of Delaware-

Raritan's 2002 Women of Distinction and Girl Scouts of Distinction honorees and their significant contributions to Central New Jersey.

Through its efforts, the Girls Scouts of Delaware-Raritan serve over 12,000 young women across Central New Jersey. Tonight's honorees exhibit and exude the altruistic ideals that our Nation needs now, more than ever. These ideals, no doubt grew from their involvement in Girl Scouts and the grounding principals of the Girl Scout Promise and the Girl Scout Law which read as follows:

THE GIRL SCOUT PROMISE

On my honor, I will try:
To serve God and my country,
To help people at all times,
And to live by the Girl Scout Law.

THE GIRL SCOUT LAW

I will do my best to be
Honest and fair,
Friendly and helpful,
Considerate and caring,
Courageous and strong, and
Responsible for what I say and do,
And to
Respect myself and others,
Respect authority,
Use resources wisely,
Make the world a better place, and
Be a sister to every Girl Scout.

As we celebrate Women's History Month, we honor each of these recipients for their hard work and dedication and we celebrate the legacy they have created for women and women's history in Central New Jersey.

WOMEN OF DISTINCTION/GIRL SCOUTS OF DISTINCTION

World of Corporate Leadership, Ms. J. Andrea Alstrup, Johnson & Johnson and Ms. Erin McKinley, Senior Troop 1099, Princeton.

World of the Arts, Ms. Deborah Ford, Trinity Episcopal Cathedral and Ms. Megan Copenhaver, Senior Troop 1703, West Windsor/Plainsboro.

World of Education, Dr. R. Barbara Gitenstein, Ph.D., The College of New Jersey and Ms. Melissa Shulman, Senior Troop 523, Old Bridge.

World of Industry, Ms. Margaret Guillian, Inland Paperboard & Packaging, Inc. and Ms. Amirah Patterson, Senior Troop 308, Somerset.

World Citizen, Ms. Katherine M. Kish, Market Entry, Inc. and Ms. Maryanna Vicente, Independent Senior, Mojasphe.

World of Science, Dr. Elaine Leventhal, M.D., Ph.D., UMDNJ-RWJ Medical School and Ms. Victoria Rollins, Senior Troop 3038, Piscataway.

World of the Environment, Ms. Mary T. Shell, NJ Dept. of Environmental Protection and Ms. Kristen Schechter, Senior Troop 399, Somerset.

World of Women, Ms. Melanie Willoughby, NJ Retail Merchants Association and Ms. Sweta Patel, Senior Troop 308, East Brunswick.

Mr. Speaker, again, I rise to celebrate, honor and commend these outstanding New Jerseyans. I have personally observed the effective work of some of these honorees and I ask my colleagues to join me in recognizing their invaluable contributions to our community and to New Jersey.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. SOLIS. Mr. Speaker, it has been six months since the September 11th attacks. During that time, millions of working people in the United States have lost their jobs. Even before the attacks, our economy was slowing down and unemployment was on the rise. House leaders responded to the economic downturn with calls for deeper tax cuts for the wealthy and tax breaks for businesses. Congress even enacted a measure to bail out the airline industry. However, it continued to ignore the very individuals who need the assistance the most: the unemployed. With the consideration of H.R. 3090, the Job Creation and Worker Assistance Act, I am pleased that the House is finally voting on a bill that will truly help workers.

The 13-week extension of unemployment benefits provided in this legislation will bring much needed relief to the many displaced workers across the country whose benefits are near exhaustion. It will be particularly helpful in my district, where unemployment in some cities is well above the national rate of 5.5%. In South El Monte alone, for example, the unemployment rate is 10.3%. It is time that we help people in this city and others across the country as they struggle to make ends meet during these difficult times. It is the very least that we can do for them.

While I support this measure, I am disappointed that it does not include additional benefits for unemployed individuals. Compensation for unemployed part-time and low-wage workers and health insurance for displaced workers are among the benefits that should have been included in this economic stimulus bill. Also, my proposal to provide an immediate one-time payroll tax rebate up to \$300 to lower income working individuals should have been included. Working families need all the help they can get and unemployment benefits are sometimes insufficient to meet the day-to-day necessities. Inclusion of the above proposals would have strengthened the economic security of millions of unemployed workers until they found jobs. As the House continues to monitor the economy and its impact on working families, I urge it to consider these important proposals.

Although this legislation does not reach its full potential as a true worker assistance measure, it is a step in the right direction and will be enormously helpful to many hard working individuals and their families. In this regard, I support it and urge its passage.

IN HONOR OF EASTERN ILLINOIS UNIVERSITY'S PLACEMENT ON THE AMERICA'S BEST COLLEGES LIST

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. PHELPS. Mr. Speaker, today I rise to recognize Eastern Illinois University in

Charleston, Illinois, of my district. This Fall, Eastern Illinois University moved from the second tier to the first tier of the Midwestern Regional Universities in US News and World Report's 2002 annual guide to America's Best Colleges, placing it among the top public universities in the Midwest.

Eastern Illinois University is the only public university in the State of Illinois listed in the first tier of four tiers of 145 institutions in the "Best Universities—Masters (Regional Midwest)" ranking category—universities that offer a full range of undergraduate degrees and some master's degree programs, but few, if any doctoral programs. In addition, the magazine also rated Eastern fifth among all public Midwestern universities with master's programs, compared to seventh place of last year. The rankings are based on schools academic reputation, student selectivity, faculty resources, graduation and retention rates, financial resources, and alumni giving.

One of the most impressive statistics regarding Eastern Illinois University is that they have an average graduation rate of 67 percent. This rate reflects their strong commitment to the students that attend Eastern, and the effective leadership provided by interim president, Louis V. Hencken. Mr. Speaker, these graduates leave Eastern Illinois University with a quality education that makes them desired candidates for jobs within my district and the entire State of Illinois.

It is an honor to represent the city of Charleston, Illinois, and I offer my congratulations to the entire faculty and staff of Eastern Illinois University and commend them on this tremendous achievement.

HONORING EARLENE HILL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Earlene Hill as she retires after 29 years as a Registered Nurse with General Motors. During her career she has provided outstanding patient services to the employees of General Motors. Mrs. Hill will be honored at a celebration on March 14th in my hometown of Flint, Michigan.

As a certified Occupational Health Nurse, Earlene has been on the front lines of health care in the workplace. As a member and past president of the Flint Association of Occupational Health Nurses she always abided by the high criteria imposed by that organization. The times I have met with her, I was impressed with Earlene's commitment to cultivating professional standards and her compassion for the workers in her care. As an Occupational Health Nurse she was charged with the awesome responsibility of assessing work environments for potential health or safety problems. Earlene has been an excellent advocate for safeguarding workers at Fisher Body Number 1, Flint Metal Fabrication, the Buick City Complex and the GM Regional Medical Complex.

Earlene's efforts on behalf of the workers under her protection resulted in her promotion to Manager of Health Service Administration at General Motors. This enabled the entire GM Health Service staff to draw on her expertise. Her retirement will leave a gap in the accumulated wisdom of the Health Service Administration. Her concern for others extends beyond

the jobsite. Her work with Delta Sigma Theta Sorority, Sigma Theta Tau Honor Society and Christ Fellowship Baptist Church are testimonials to her warmhearted benevolence.

Mr. Speaker, I ask the House of Representatives to join me in wishing Earlene, her husband James, and her family all the best as she begins this new phase of her life.

IN RECOGNITION OF HISPANIC AMERICAN ATHLETES AT THE 2002 OLYMPICS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize the outstanding achievements of the United States Latino athletes in the 2002 Winter Olympics. At these Olympic games we have seen a number of outstanding United States athletes from different ethnic and racial backgrounds. We have witnessed a number of "firsts" in our minority communities. These athletes have risen to the Olympic challenge against incredible odds, and for this, I honor them. I again recognize Mrs. Vonetta Flowers who won a Gold medal; in bobsledding at the Winter Olympic games, becoming the first African American to win a Gold medal for the United States in a Winter event.

In addition to those accomplishments made by the African American community, I also commend those achievements of Hispanic American athletes as highlighted in the Daily News article on Latino Olympians. The article follows this statement and I would like to take this opportunity to recognize the Olympians' reference in it. Mr. Parra, 31 years old, is a Mexican American speed skater from Orlando, Florida. He began his athletic career as an inline skater and only picked up speed skating on ice five years ago. Considered the first Hispanic American to ever win a medal in the Olympic games makes Parra incredibly unique, but Parra did not just medal. Parra came in first, receiving a Gold medal and breaking the world record for his performance in the 1,500 meter. He also received a Silver medal in the 5,000 meter race.

In addition, Jennifer Rodriguez of Miami, Florida became the first Cuban-American to medal in the Winter Olympics. A former inline skater—now speed skater, like Parra—Rodriguez competed in the women's 1,000 race and won a Bronze medal. Our nation's Puerto Rican heritage was also represented at the Salt Lake City Games. Though the two-man bobsled team was unable to complete in the end, Puerto Rico's presence was felt and we look forward to their full participation in 2006.

Parra, Rodriguez, and the Puerto Rican athletes have performed to commendable heights. They are a tribute to everything the Olympics stand for: courage, athleticism and national and international unity. I thank them for their hard work and perseverance. These, along with African American and Asian American, athletes are great examples to our future athletes, especially our minority communities. Their faces reflect the composition of our country and are an inspiration to countless young people who might believe the Olympics are not for them. Thank you again and congratulations.

[From the New York Daily News, Feb. 21, 2002]

LATIN OLYMPIANS GOOD AS GOLD

Global warming has affected the Utah Winter Olympics in unexpected ways. And all of them seem to be good.

For one thing, there are all these warm-weather people heating up the ice at Salt Lake City. And doing their part to make the medal count grow for the U.S.

Take Derek Parra.

Believed to be the first Hispanic ever to win a medal in the Winter Games, Parra, a 31-year-old Mexican-American, lives in Orlando, Fla., where Mickey and Donald are found all over the place, but snow is as rare as, well, speed skating.

He is 5-foot-4 and weighs 140 pounds, but Parra accomplished what many bigger men had unsuccessfully attempted before. He broke a world record to take the gold in 1,500 meters speed skating Tuesday in such spectacular fashion that even his competitors were thrilled.

"It sounds stupid, but I enjoyed [seeing] it," said Jochem Uytdehaage, of the Netherlands, who won silver, after Parra broke the world record he had set a few minutes before.

The reverse had taken place the opening day of the games, when Parra set a world record in the 5,000 meters. Uytdehaage destroyed it a few minutes later.

"It is just an amazing thing," Parra said after his 1,500-meter victory.

CUBAN-AMERICAN PIONEER

Now take Jennifer Rodriguez.

Born in sunny Miami to Cuban parents, Rodriguez is believed to be the first Cuban-American to compete in the Winter Games.

Rodriguez not only competed but won the bronze in the women's 1,000 meters. Another American, Chris Witty, won the gold and established a new world record.

That no Cuban-American had competed in the Winter Olympics before is not at all surprising. After all, in Miami, ice is usually found only in drinks. Not exactly an ice-skating paradise.

Baseball, football, swimming, boxing, soccer—all of them are pretty popular in warm, heavily Latino Miami. But a Cuban-American speed skater? Rodriguez's and Parra's feats will do wonders to change that.

Parra and Rodriguez—as did Apolo Anton Ohno, for that matter—got their start as inline skaters. Actually, Rodriguez didn't train on ice until six years ago, and Parra made the switch only five years ago.

The young Mexican-American also was a phenomenal in-line skater, becoming national champion three times in the 1990s and holding world records in short- and long-distance events.

And then take the case of the Puerto Rican bobsled team.

Yes, I know, you are asking yourself what in the world was the Caribbean island—average temperature 85 degrees—doing in Salt Lake City, where freezing weather is their daily bread? Did these sun-tanned, warm-weather guys stand a chance against all those cold-weather-seasoned athletes?

We'll never know.

BOBSLEDDERS BLOCKED

On Friday evening, the Puerto Rican Olympic Committee dropped out of the two-man bobsled competition hours before it began. The reason: Michael González, one of the two team members, was not able to demonstrate to the island's Olympic committee that he had lived on the island for the required three years.

Ironically, the International Olympic Committee was satisfied with the two years and one month he was able to prove.

"He's a great, great guy, but those are the rules," said Héctor Cardona, president of the

island's national Olympic committee. "We have to follow the rules. As president of the Olympic committee, I took him out, according to our constitution."

Maybe next time. And count on it, there will be a next time.

HONORING HOLLY JOHNSEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Holly Johnsen for being recognized by the Prudential Spirit of Community Awards as a Distinguished Finalist for her impressive community service activities. The award is presented by Prudential Financial, with the National Association of Secondary School Principals, and seeks to honor students who show exceptional achievement in the areas of community service.

Holly Johnsen, a sixteen-year old student at Bullard High School, has been recognized for initiating a "Lunch Buddy" program. The 30 Junior Ladies Auxiliary for Retarded Citizens (LARC) Club members that are involved in this program introduce special-education students to other groups, accompany them on field trips, and organize parties at school. Holly has shown top-quality leadership and organizing skills. The club operates at their school with a shared presidency between Holly and Molly Hopkins. Holly believes the club will make an impact through peer contribution. She encourages students to play a part in the program by taking special-education students to classes, club meetings, and lunch with them.

Mr. Speaker, I rise today to congratulate Holly Johnsen for being honored by Prudential Spirit of Community Awards. I invite my colleagues to join me in thanking Holly for her outstanding ingenuity and service to the community and wishing her continued success in all future endeavors.

HONORING MR. RICHARD FIMBRES ON HIS SELECTION AS "MAN OF THE YEAR" BY THE TUCSON METROPOLITAN CHAMBER OF COMMERCE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize an outstanding individual who was recently recognized for his exemplary work and dedication to his community. On February 27, Mr. Richard G. Fimbres was honored by the Tucson Metropolitan Chamber of Commerce as their "Man of the Year."

Mr. Fimbres' work throughout the community is evidenced by the time and energy he devotes to so many organizations throughout the City of Tucson and Pima County. The League of United Latin American Citizens (LULAC), the Knights of Columbus, the Tucson/Pima Arts Council, the Pima Youth Partnership, the United Way, and the Childrens Action Alliance are just a few of the entities he commits his energies to.

He has helped raise funds for local youth programs, establish drug education and prevention programs, and raise scholarship funds for underprivileged students. He has also developed youth leadership training seminars and established a youth education program assisting children with their reading skills. He contributes to various local and state policy boards regarding important issues such as education, immigration and redistricting.

Mr. Fimbres' standing as a community leader is evident by the respect and recognition he receives and for his countless hours of work on behalf of his community. Mr. Speaker, I ask you to join me in recognizing this outstanding citizen and role model whom I am also proud to call my friend.

A TRIBUTE TO ALICIA CONTRERAS
OF SAN FRANCISCO, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Alicia Contreras of San Francisco, California for receiving the Paul G. Hearne American Association of People with Disabilities (AAPD) Leadership Award for 2001. Alicia, herself disabled, is an inspiration to thousands of disabled individuals, and has been providing them valuable assistance through various organizations since 1994. The American Association of People with Disabilities, an outstanding organization founded by cross-disability leaders in 1995, has made an excellent choice in selecting Alicia Contreras as one the recipients of the Paul G. Hearne award.

Mr. Speaker, Alicia Contreras' work for the disabled has touched the lives of many individuals by demonstrating that being disabled does not have to get in the way of enjoying life. Alicia, herself confined to a wheelchair, learned how to improve her life as she began to work for the disabled in 1994 at a one-month leadership training program sponsored by Mobility International USA. Through this experience she learned that even with a wheelchair she could play sports, dance, and live an independent life. Through this experience, she learned, in effect, how to overcome her disability.

Mr. Speaker, after realizing that she had the power to take control of her life, Alicia Contreras founded the Independent Living Center for Women with Disabilities in San Luis Potosi, Mexico, so she could help other disabled women realize what she had learned. Alicia showed women, wheelchair bound like her, that being in a wheelchair does not mean one has to live in seclusion in one's own home, and that one could live a more independent life outside the home.

After her efforts through the Independent Living Center, Alicia took on a newly created government position, Program Coordinator for People with Disabilities in San Luis Potosi, Mexico. While there, Alicia created the first-ever accessible taxi-van service in the state, awarded more than 700 scholarships to disabled people, and provided more than 1,000 hearing aids and 300 wheelchairs to the disability community.

Through this work, Alicia became familiar with Whirlwind Women, an international orga-

nization that teaches women with disabilities how to build appropriate wheelchairs for themselves and others. In November of 2000, Alicia was hired as the Whirlwind Women Program Director and continues to serve in that capacity.

Mr. Speaker, Alicia Contreras has made a valuable contribution to the disabled community; the American Association of People with Disabilities has made an intelligent choice in selecting her as one of the recipients of this award.

Like Alicia, the AAPD is committed to improving the lives of people with disabilities. Founded by disabled individuals, AAPD is committed to promoting the economic and political empowerment of all people with disabilities, educating businesses and the general public about disability issues, and seeing through the full implementation of the Americans with Disabilities Act so that all disabled individuals may have an equal opportunity to fully participate in society.

Mr. Speaker, with these goals in mind, it is no surprise that AAPD selected Alicia. She exemplifies the dedication and determination necessary to give disabled people a fair chance in life, and most importantly, she gives them hope. I invite my colleagues to join me in paying tribute to Alicia Contreras for receiving the Paul G. Hearne/AAPD Leadership Award.

PAYING TRIBUTE TO NOEL
CUNNINGHAM

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. MCINNIS. Mr. Speaker, it is a profound honor to pay tribute to a man whose life-long pursuit of improving and enriching the lives of others is an inspiration to us all. Noel Cunningham has dedicated his life to improving the lives of his fellow man. In recognition of this, the Ancient Order of the Hibernians is honoring Noel as Humanitarian of the Year. Although Noel bases his philanthropy in Denver his kindness and generosity have extended far beyond Denver to touch the lives of people around the state, the nation and indeed the world.

It would take hours to describe all that Noel has done for the Denver Community, however, certain projects of his stand out. Noel was one of the founders of Taste of the Nation, an incredibly successful program that raises money to help address hunger and poverty. Last year the event was held in 500 cities across the nation and raised \$300,000 in Denver alone. The millions of dollars that were raised will be distributed to states and countries dealing with the issue of hunger. For ten years, Noel has also run an event called "I Remember Mama" in which every Mother's Day he opens the doors of his restaurant to women from the poorest districts of Denver who participate in the Meals on Wheels programs. All of these women, who are without family in the Denver area, are treated to an incredible brunch, roses, gifts and music. Every Christmas, for the past decade, Noel has also hosted 300 foster children for a holiday party complete with food, gifts and a Santa who arrives in a helicopter.

Not only do Noel's efforts benefit individuals, they also have a tremendous impact on the community at large. Last year, Noel helped to raise a half-million dollars to build a brand new playground for the children of Garden Place Academy in Globeville, one of Denver's poorest districts. The playground was built with help from the surrounding community and by the students themselves. As a result, less than one year later, the discipline problem at the school has been nearly cut in half. Noel hopes to share his passion for helping others with the next generation through his Quarters for Kids program, where school children save a quarter so that someone else can have a meal. Thousands of children participate every year learning the joy of giving to others.

Mr. Speaker, I can think of no one more deserving of this award than Noel Cunningham. He is a man of unparalleled dedication and commitment to both his professional and philanthropic endeavors. It is his unrelenting passion for each and every thing he does, as well as his spirit of honesty and integrity with which he has always conducted himself that I wish to bring before this body of Congress. Noel Cunningham is a remarkable man, who has achieved extraordinary things in his career and in his community. It is my distinct pleasure to pay tribute to Noel Cunningham today, and wish him all the best in his future endeavors.

HONORING JOHN L. HUERTA AS AN
OUTSTANDING MEMBER OF THE
TUCSON AND SOUTH ARIZONA
COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. PASTOR. Mr. Speaker, I rise today to congratulate an outstanding member of the Tucson and Southern Arizona community. Mr. John L. Huerta. John has always served his community and his country with distinction, and although he has traveled extensively and held important positions at the national and state level, he has remained El Tucsonese at heart. On March 22, 2002, the University of Arizona Hispanic Alumni Association and the Concerned Media Professionals will gather to applaud and honor John for his many contributions to the cultural and educational vitality of the greater Tucson area. Today I join his family, friends and colleagues in expressing my sincere admiration for his many accomplishments.

John was born in Tucson, Arizona, and graduated from Tucson High and the University of Arizona. While at the U of A, John co-founded the Los Universitarios, a social club for the university Hispanic community, which fostered many of today's innovative leaders in Tucson. After college, John worked as a Juvenile Probation officer and then joined a task force that was successful in bringing the "War on Poverty" programs to Tucson. John's effective leadership in these programs brought him to the attention of national leaders who encouraged him to relocate to Washington, DC, where he joined the staff of the Postmaster General as a Special Assistant.

John's career in Washington, DC, moved upward through several positions in the Department of Health Education, and Welfare, including Assistant Director of the Office for

Community Planning (Model Cities Program), Director of the Office for Community Development, and Director for the Office for Rural Development. In 1975, John decided to move closer to home. He relocated to Phoenix and became the Director of Arizona's largest agency, the Department of Economic Security, which had a yearly budget of half a billion dollars. Throughout his government service, John was an adept and respected leader.

In 1978, John returned to Tucson and became involved in the private sector as a successful businessman. His skills with money soon lead to a position with the University of Arizona Development Office where he founded the Office of Minority Programs. This office, almost unique among all colleges and universities, raises funds to benefit Hispanic, African-American, and Asian American scholarship endowments as well as special emphasis programs. Under his guidance, the Hispanic Alumni endowment enjoys a market value of \$1.7 million, the largest fund of its kind among all public universities, and the Black Alumni endowment is \$500,000.

Throughout his career, John has brought success to many community activities and is especially proud of his work with the Hispanic Alumni Board, Omega Delta Phi (the first Hispanic fraternity at the UofA) as a founder of the Tucson International Mariachi Conference, the Hispanic Professional Action Committee, the UA Hispanic Alumni, the Tucson Chapter of the America Israel Friendship League, and El Centro Cultural de las Americas.

In addition to his many career and community activities, John has enjoyed a rich and rewarding family life. He and his wife Nancy, high school sweethearts who recently celebrated 50 wonderful years together, raised 6 accomplished children. Now he enjoys being tata to his talented grandchildren. I am proud to enter John L. Huerta's name into the official records of our nation. He represents an American life well-lived for his family, for his community and for his country.

FUEL PRICE STABILITY ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing legislation to provide the States of Wisconsin, Illinois, and Indiana with added flexibility in meeting federal reformulated gasoline (RFG) requirements. The Fuel Price Stability Act will simply allow the Governors of each of the states in the Milwaukee-Chicago market to permit the sale of gasoline from other markets if the price of RFG in our area sees a significant rise or if supplies of RFG in our region are especially tight. Presently, only the EPA has the authority to grant any type of waiver from "boutique" fuel requirements. The Fuel Price Stability Act would change this by allowing our Governors to make needed short-term adjustments.

Granting this new flexibility to local Governors has the potential to keep gas prices down in our area. In the past two years, when RFG prices in the Milwaukee-Chicago market skyrocketed, prices remained comparatively low in surrounding markets, including some of those on the same pipeline that supplies gaso-

line to our market. Should such an occurrence happen again, our Governors should have the authority to permit other gasoline types to be sold in the Milwaukee-Chicago region, thereby increasing potential supplies to our area.

I strongly support other reforms in this area, including efforts to reduce the number of "boutique" fuels used across the country, but, lacking the implementation of a broader plan, this legislation represents a solid step toward greater flexibility in fuel use. I am hopeful my colleagues will support this legislation and the House will act on this proposal expeditiously.

POLAR BEAR PROTECTION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. BLUMENAUER. Mr. Speaker, in a civilized society we oppose the mistreatment of animals. When that cruelty takes place in a public forum, as the worst example of "entertainment," we should be outraged. This is exactly what's happening in Puerto Rico.

That is why I introduced the Polar Bear Protection Act. This bill would simply make it illegal to have a polar bear in a traveling circus.

This bill will end the suffering of seven polar bears in the Suarez Brothers' circus in Puerto Rico, where the bears are tortured every day by being dragged from one tropical city to another. They are consistently exposed to high temperatures, lack of sufficient water, as well as whipping and other abuses.

Polar bears' natural habitat in Northern Alaska averages below 11 degrees Fahrenheit. They are Arctic marine mammals that spend a significant amount of time in the water. However, there are loopholes in federal animal protection laws that allowed the Suarez Brothers' circus to enter Puerto Rico with seven polar bears. The circus has exposed these bears to temperatures as high as 113 degrees Fahrenheit and denied them sufficient access to water. This is an outrage, Mr. Speaker.

The circus has been under investigation by authorities in Washington, DC and Puerto Rico. Just last week the U.S. Fish and Wildlife Service confiscated one of the polar bears and placed it safely in the Baltimore zoo. But we need to make sure that the other six bears are not forgotten and that polar bears will not suffer like this in the future.

Polar bears are beautiful, dignified animals that belong in their natural arctic environment or in accredited zoos that can guarantee cool containment areas and access to water. The bottom line is that the circus is just not an appropriate place for a polar bear. We in Congress have the power to stop this outrage and end the cruelty. I urge my colleagues to join with me to prohibit the use of polar bears in circuses.

TRIBUTE TO MAXINE ADLER

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. EHRLICH. Mr. Speaker, I rise today to recognize the recent retirement of an out-

standing leader in Maryland's public affairs, Maxine Adler.

I first met Maxine as a freshman delegate during the 1987 legislative session in Annapolis. I learned soon thereafter that her diminutive stature belied a tough, persuasive manner and character which loomed large on the Maryland legislative landscape for many years.

Few Marylanders may be aware of Maxine's long and distinguished career. She began her career in Annapolis as a legislative aide to the Baltimore County Delegation to the Maryland House of Delegates. After graduating cum laude from the University of Baltimore Law School, Maxine worked as a law clerk to the Honorable Richard Gilbert, Chief Judge of the Maryland Court of Special Appeals, and as a law clerk to the Department of Economic and Community Development under the Attorney General. For two decades, Maxine served as a successful lawyer and lobbyist as a member of the Baltimore-based law firm of Semmes, Bowen, & Semmes.

In addition, Maxine has been a valuable and active participant in the greater Baltimore community. Over the years, she has been a member of the University of Baltimore School of Law Advisory Committee, the Governor's Blue Ribbon Panel on Self-Insurance, and a Commissioner on the Baltimore County Commission for Women.

Maxine has also been a member of the Women's Housing Coalition's Board of Directors, which provides transitional and permanent housing for homeless, low-income, or at-risk women. Finally, she and her husband, my good friend Robert L. McKinney, were named one of "Baltimore's Power Couples" in the June, 2000 edition of Baltimore Magazine.

Mr. Speaker, Maxine will be sorely missed by lawmakers on both sides of the aisle in Annapolis. I ask my colleagues to join me in wishing Maxine and her husband Bob all the best in their future endeavors.

TRIBUTE TO FALLEN CENTRAL NEW YORK FIREFIGHTERS JOHN E. GINOCCHETTI AND TIMOTHY J. LYNCH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. WALSH. Mr. Speaker, I have often risen and submitted comments recognizing the heroics of first responders across the country. Today I rise with a heavy heart to recognize two firefighters from my own congressional district who made the ultimate sacrifice just last week. On Thursday evening, March 7, during a three-alarm house fire in the town of Pompey, two central New York firefighters—John E. Ginocchetti and Timothy J. Lynch—were killed in the line of duty.

While acting on what appeared to be a routine house fire, Firefighters Ginocchetti and Lynch, both responding in a mutual aid capacity on behalf of the Manlius Fire Department, proceeded to mount an aggressive interior attack after successfully "venting" the roof. As Ginocchetti and Lynch made their way into the kitchen and laundry room from the home's attached garage, the floor suddenly gave way, and the men were consumed in a horrific "fireball," falling into the structure's basement

where the blaze had started. Despite repeated rescue attempts by their colleagues, both men were lost.

Firefighter John "Gino" Ginocchetti, age 41, was a paid professional with the Manlius Fire Department. Firefighter Timothy "T.J." Lynch, age 28, was a full-time firefighter with the Fayetteville Fire Department, a part-time paramedic with Rural/Metro Medical Services, as well as a volunteer responder with the Manlius and Kirkville Fire Departments. Each leave behind a wife and son.

Both men held a longtime commitment to fire service, and since the tragedy, numerous stories of their previous acts of heroism and compassion have been recalled. Their tragic deaths remind us all how dangerous the fire fighting profession truly is.

On behalf of a grateful community, I thank the Ginocchetti and Lynch families for their sacrifice. Our thoughts, prayers, and admiration are with them during this difficult time.

PAYING TRIBUTE TO STAN BROOME

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to one of Colorado's first class citizens, Mr. Stan Broome. As President and Chief Executive Officer of Club 20, Mr. Broome worked hard to promote the common interest in the economic future of Colorado's Western Slope. Stan's leadership was essential in developing Club 20's strong reputation for its ability to focus on important issues, while representing the interests of Western Colorado.

As President of Club 20, Stan Broome maintained the high standards of dedication and commitment to the Western Slope and the State of Colorado that the organization has built its reputation around. Because of his leadership, we enjoy the protection of our resources, the promotion of tourism, improvements in our transportation systems, the rise and creation of new telecommunications capabilities, creation of a powerful business infrastructure, and the ability to provide recreational activities in our region. Mr. Broome has remained steadfast in the Club 20's commitment as the "The Voice of the Western Slope."

Stan has made a number of contributions to the State of Colorado, and although he is retiring, I expect that he will remain an active public servant in his community. Stan's background is rich in experience and accolades, working as the Executive Director of Region 10 and President of SB & A Consultants. In addition, he has held several positions in planning and development in Garfield and Grand counties, and served a term with the Colorado Governor's office.

Stan has established strong ties with the Colorado communities in which he has lived and worked. These relationships with the residents and the land have inspired Stan to work with many organizations, including his chairmanship of the Colorado Rural Development Council, serving on the Economic Developers Council of Colorado, being distinguished as a fellow of the Society of American Foresters,

and his association with the Colorado Forestry Association.

Mr. Speaker, Stan Broome has dedicated his life to serving the interests of Colorado's Western Slope, both professionally and as a volunteer. It is my privilege to honor Stan for his many years of guidance and support of Club 20 and Colorado's Western Slope. His dedication and commitment to his fellow Coloradans deserves the recognition of this body of Congress, and this nation. It is with great pleasure that I wish Stan Broome a pleasant retirement and all the best in his future endeavors.

HONORING DR. DAN MAYDAN

HON. ZOE LOFGREN

OF CALIFORNIA

HON. ANNA G. ESHOO

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Ms. LOFGREN. Mr. Speaker, today we rise to honor Dr. Dan Maydan, who has been president of Applied Materials since 1994 and a member of the Board of Directors since 1992. Dr. Maydan is the 2002 recipient of the Anti-Defamation League's Torch of Liberty Award. The Anti-Defamation League's Torch of Liberty Award was established to recognize individuals and corporations who have exhibited humanitarian concerns, and whose everyday actions exemplify the principles on which the Anti-Defamation League was founded: namely, to "secure justice and fair treatment for all."

Born in Tel Aviv, Dr. Dan Maydan is a member of the United States National Academy of Engineering. Over the years, he has received numerous awards and honors for his contributions to the global semiconductor industry and for his efforts to strengthen the links between Israel and global high-technology markets. He is the recipient of the International Partnership Award from the California Israel Chamber of Commerce in recognition of his long-term commitment to building bridges between Israel and California. Additionally, Dr. Maydan received the Israel Trade Award from the Israel Ministry of Industry and Trade. In 1998 he was also awarded the State of Israel Jubilee Award in recognition of his efforts to integrate Israel into the global economy and for realizing its world-class business potential.

In 2001 Dr. Maydan was awarded Honorary Doctorate Degrees from Edinburgh University in Scotland and from the Technion in Israel. In our community, Dr. Maydan is a noted patron of a number of local organizations. Dr. Maydan and Applied Materials have been recognized by numerous organizations for their leadership in responding to community causes.

As friends of Dr. Maydan's, we are incredibly proud at his being presented with this prestigious award. Both as colleagues and as fellow Californians, we are incredibly grateful to him for both his innovation and his compassion. We congratulate him and his family on receiving the Anti-Defamation League's Torch of Liberty Award, and thank him for his commitment and devotion to our community.

APPLAUDING VETERANS AFFAIRS COMMITTEE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to applaud the Veterans Affairs Committee for their recommended increase over the Administration's request in the Fiscal Year 2003 Budget Resolution for the Department of Veterans Affairs.

We on the Committee constantly speak of a needs-based budget that fulfills our duty and our obligation to those who have given so much to this nation.

The Committee has been extremely effective under the expert leadership of Chairman Smith, and all of us on the Committee know much work remains. In fact, the Department of Veterans Affairs projects that nearly 700,000 additional veterans will seek VA healthcare in 2003. While we should be proud of the quality and the breadth of care that the VA provides, VA healthcare struggles because appropriated funding is not keeping pace with growth in enrollment and the increased demands for service. Additionally, there is a need for additional clinics and primary care facilities, and much of VA's physical infrastructure is in immediate need of hundreds of millions of dollars in repairs restorations and upgrades. The result of under-funding and inaction in this area could be crippling to the system, and in the end the losers are the ones who have sacrificed the most for this nation—our veterans.

In addition to providing adequate funding for veteran programs, the time has come for Congress to act to resolve inequities in current law, including the prohibition on concurrent receipt as provided for by H.R. 303; and an increase in premiums for the Survivor Benefit Plan as provided for in H.R. 548.

Mr. Speaker, we must fulfill our obligations to care for those who place their lives on the line to defend our nation, our people, and our principles; and to do so we must be willing to provide the needed resources, no matter the cost. The time has come to enact a VA budget that is worthy of this great nation and worthy of our veterans' sacrifice.

May God Bless our nation's veterans, and may God continue to bless these United States of America.

IN HONOR OF THE TWENTY-FIFTH ANNIVERSARY OF THE DELAWARE BIBLIOPHILES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the Delaware Bibliophiles on the occasion of their twenty-fifth anniversary this month. The Delaware Bibliophiles are an organization of book collectors and one of twenty-six officially recognized book collecting societies in the United States. These members, however, collect more than books. They continue to build upon the strong humanities and arts foundations in Delaware and enrich our community.

The Delaware Bibliophiles have published five books with a sixth in the works and recently offered each public library in the State their choice of two books to add to their collections as a gift. In addition to this generosity, the club also participates in numerous exhibits that further enhance the history of the written word, the beauty of design, and the art of book collecting.

The Delaware Bibliophiles are members of the prestigious Fellowship of American Bibliophilic Societies and currently have over 100 members from eleven states. Certainly, the Delaware Bibliophiles have reached the goal of any bibliophile organization—to foster literary study and promote the arts pertaining to the production of books. I commend them for this fine accomplishment on the occasion of their silver anniversary.

RECOGNIZING THE 317TH AIRLIFT
GROUP STATIONED AT DYESS
AIR FORCE BASE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. STENHOLM. Mr. Speaker, I rise today to recognize the 317th Airlift Group as they return to Dyess Air Force Base from a three-month deployment in Southwest Asia. These folks have been supporting the war effort in Afghanistan and today they return to home to the cheers and support of their families, friends and the entire city of Abilene, Texas.

I want to add my voice to this chorus of support for these brave folks who have spent the last three months working in incredibly challenging physical conditions, flying and supporting missions, in our nation's assault on terrorism. They saw firsthand how the battle in Afghanistan has cost precious American lives even as they put themselves in harm's way.

Today, I join with a grateful nation to express not only thanks to members of the 317th Airlift Group and all those who wear Air Force Blue, but also to the wives and husbands and sons and daughters and family members who share in the sacrifices they make. Our ability as a nation to deploy throughout the world at a moment's notice is possible only because there are strong families and communities to provide support.

Since the terrorist attacks on our nation on September 11, 2001, we have called on folks to make great sacrifices, and our nation's military has answered that call with swift, forceful action. Like all Americans, I have the highest level of confidence in those folks who volunteer to serve in defense of our nation. They have our confidence and respect because they have earned it. They earn it every day as they face hardship and danger. They serve because they believe in America, and America believes in them.

ATTACKS ON MUSLIMS IN INDIA
ARE A REPEAT OF 1984 ATTACKS
ON SIKHS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. TOWNS. Mr. Speaker, more than 540 people have recently died in violent attacks on Muslims in Gujarat, India while police stand by and do nothing. This violence is very disturbing and very reminiscent of the violence against Sikhs in Delhi in November 1984. At that time, police also stood by and did nothing. Sikh police were locked in their barracks and the state-run radio and television stations fanned the flames of the massacre. Even a former Member of Parliament was killed in the riots last week while police stood by, according to a report in the National Post.

When the government, through its police, stands by and lets these attacks unfold, it condones them. Unfortunately, this shows the real truth about India's claim that it is secular and democratic. In a secular, democratic country, the police do not allow minorities to be massacred. This is the act of a theocratic country that seeks to wipe out minorities. That is not the kind of country that America should be supporting.

We should stop providing aid to India while its minorities suffer from this kind of repression. We should not build up its economy with trade. And we should support the people and nations of South Asia in achieving freedom. Self-determination is the right of all people; let us support a free and fair plebiscite on the future of Khalistan, Kashmir, Nagaland, and the other countries seeking their freedom from India.

Mr. Speaker, the Council of Khalistan recently published a press release discussing the parallels between the current violence and the Delhi massacres of Sikhs.

KILLING OF OVER 540 MUSLIMS BY HINDU MILITANTS
PARALLELS 1984 MASSACRE OF SIKHS

WASHINGTON, D.C., MARCH 5, 2002.—The attacks on Muslims in Ahmedabad parallel the November 1984 massacre of Sikhs in Delhi, according to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of the Sikh homeland, Khalistan, which leads the struggle for the independence of Khalistan. "The police stood by then, too, and the police gave a nod to the violence," Dr. Aulakh said. "This is part of the overall plan of a Hindu fundamentalist regime that is determined to wipe out minorities," he said. More than 540 people have died during the last week in the current violence in Ahmedabad. "When 13 people were killed in the attack on the Indian Parliament, there was a lot of outrage, as there should be for the killing of any human being," Dr. Aulakh said. "Where is the outrage at the death of over 540 people in this massacre?" he asked.

"The true face of Indian secularism is exposed," Dr. Aulakh said. "They demolished a mosque the other day, they demolished the mosque in Ayodhya and they are proceeding with plans to build a Hindu temple on the site," he said. "They attacked the Golden Temple in 1984. They have attacked Christian churches, schools, and prayer halls." In 2000, Indian troops were caught red-handed trying to set fire to Sikh homes in Kashmir. During the Delhi massacres in November 1984, Sikh police officers were locked in their

barracks while more than 20,000 Sikhs were massacred and the state-run television and radio called for more Sikh blood. "It is too bad that atrocities like these are carried out with impunity," he said.

The Indian government has murdered over 250,000 Sikhs since 1984. Over 75,000 Kashmiri Muslims have been killed since 1988. More than 200,000 Christians have been killed since 1947, along with tens of thousands of Dalits, Tamils, Assamese, Bodos, Manipuris, and other minorities. A report issued last year shows that 52,268 Sikh political prisoners are held in Indian jails, as well as tens of thousands of others. Since Christmas 1998, Christians have felt the brunt of the attacks. Priests have been murdered, nuns have been raped, churches have been burned, Christian schools and prayer halls have been destroyed, and no one has been punished for these acts. Militant Hindu fundamentalists allied with the RSS, the pro-Fascist parent organization of the ruling BJP, burned missionary Graham Staines and his two young sons to death. Pakistan has requested the extradition of Home Minister L.K. Advani, who is wanted for the murder of Muhammad Ali Jinnah, the founder of Pakistan, 50 years ago.

Last year, a cabinet member said that everyone living in India must be a Hindu or be subservient to Hindus. In July 1997, Narinder Singh, a spokesman for the Golden Temple, told National Public Radio, "The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to please the majority."

The attacks in Ahmedabad reportedly came in retaliation for an attack on a railroad car full of Hindus on their way to Ayodhya to build a temple on the site where the most revered mosque in India was destroyed several years ago. 58 Hindus were burned to death in that attack. For several days, train loads of Hindu extremists had passed through the village of Godha, where the train attack occurred, shouting provocative slogans about building a temple.

"By standing by while this violence went on, the government condones it," Dr. Aulakh said. "The only way to escape this government-supported violence and tyranny is for the Sikhs, Christians, Muslims, and other minorities to claim their freedom from India," he said. "That is the only way to prevent the Hindu militant theocracy from wiping us out," he said. "Now is the time for a Shantmai Morcha (peaceful agitation) for the independence of Khalistan," he said. "Sikhs are a separate nation. Sikhs ruled Punjab until the British annexed Punjab in 1849. The people of South Asia must have self-determination now," he said. "India is on the verge of disintegration, as Steve Forbes predicted in the current issue of Forbes magazine," he said. "Khalistan will be free by 2008."

PAYING TRIBUTE TO HARRY
MUSSELL

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Harry Mussell and thank him for his extraordinary contributions to his community and to his state. As a resident of New Castle, Colorado, Harry has dedicated his life to improving the

community by selflessly giving his time and energy to a number of volunteer organizations. His remarkable philanthropic accomplishments are surpassed only by the level of integrity and honesty with which he has conducted himself each and every day of his life. As we celebrate his tremendous accomplishment of having a day, "Harry W. Mussell Day," named after him by the citizens of New Castle, let it be known that I, along with the people of Colorado, applaud his efforts and are eternally grateful for all that he has done for the community of New Castle and the State of Colorado.

Harry has served in the Glenwood Springs Rotary Club for nearly 35 years, having a perfect attendance record for 32 straight years. Even when Harry was out of town, he always made a point to find a local Rotary Club Chapter, so he could attend the weekly meetings. Not only is Harry a lifetime honorary Rotarian in Glenwood Springs, but he also started Rotary Clubs in Aspen, Carbondale and Rifle, and has attended nine international Rotary conventions.

In addition to his dedication to the Rotary Club, Harry has devoted an enormous amount of time to a number of other organizations. He has been a volunteer with Colorado Mountain College's Senior Programs, serving on the advisory council of the Retired Senior Volunteer Program for several years. In addition, he has volunteered at "The Gathering", a senior lunch program held every Monday in New Castle and Wednesday in Silt. In 1997, Harry was a candidate for the Glenwood Post Humanitarian Service Award, and has previously served on New Castle's Senior Housing Committee.

Mr. Speaker, it is clear that Harry Mussell is a man of unparalleled dedication and commitment to his community and to the people who reside in it. It is his unrelenting passion for each and every thing he does, as well as his spirit of honesty and integrity with which he has always conducted himself, that I wish to bring before this body of Congress. He is a remarkable man who has achieved extraordinary things and enriched the lives of so many people. It is my privilege to extend to him my sincere congratulations on the advent of "Harry W. Mussell Day," as he is most deserving, and I wish him all the best in the future.

HONORING CENTRAL CONNECTICUT STATE UNIVERSITY MEN'S BASKETBALL ON THEIR VICTORY IN THE NORTHEAST CONFERENCE TOURNAMENT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to pay tribute to the Central Connecticut State University (CCSU) men's basketball team for their accomplishment this season.

The CCSU Blue Devils defeated Quinnipiac College by a score of 78-71 to win their conference, improve their record to 27 wins and 4 losses and more importantly secure an invitation to the NCAA tournament for the second time in 3 years.

As the buzzer sounded the capacity crowd of 3,556 erupted in celebration of our home-

town Blue Devils continuing their nation-leading winning streak to 19 games.

Mr. Speaker, to watch the students storm the court, and to hear Head Coach Howie Dickenman, himself a CCSU graduate, say "This was an event tonight, an event that the whole city rallied around" is to understand what March Madness is all about.

I am proud to be a resident of the city of New Britain, home of the 2002 Northeast Conference regular season and conference tournament champions. I hope my colleagues will join me in congratulating this exemplary group of student-athletes, their coaches, parents, classmates, and others who supported and cheered them on this season.

Mr. Speaker, their exceptional play this season is an inspiration to all of us. Congratulations to the Blue Devils, and best of luck in the Big Dance. To steal a phrase from Dick Vitale and Bristol Connecticut's own ESPN, CCSU you are "awesome with a capital A baby!"

A TRIBUTE TO NANCY BLOOMER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. KIRK. Mr. Speaker, many of our colleagues and staff will celebrate the service of Nancy Bloomer to our country tomorrow.

Nancy served the House International Relations Committee for many years, both in the minority prior to 1995 and in recent years in the majority. The committee dealt with critical issues of our time—the cold war, Central America, Desert Storm, Haiti, Bosnia, and Iraq. After the elections in 1994, Nancy and the new committee staff director, Rich Garon, assembled a team that helped guide this House through the transition to a Republican majority.

Many people did not know what a Republican majority would do at the helm of the committee. Barely anyone was around in 1954 when Republicans last took charge. Under Chairman BEN GILMAN, Nancy and the committee team leapt into action as dedicated internationalists, committed to America's role in the world. We passed key parts of the Contract with America, the American Overseas Interests Act and numerous other pieces of legislation designed to strengthen U.S. foreign policy.

I was a staff member of that team. I remember Nancy as the complete professional, helping Chairman GILMAN organize many different member requests into a coherent whole. In those days after the cold war and before the War on Terror, it was hard to build a central core of members with a common vision of America's role in the world. It took vision by members of this body and it took solid staff work by Nancy and her colleagues through endless hours spent between hearings, mark-ups and consideration of legislation on the floor.

Nancy should be very proud of her work. Congress has played a strong hand in modernizing the State Department, paying our dues to the United Nations and backing up key allies in need. We also played the leading humanitarian role in feeding starving North Koreans and helping refugees around the world. Much of this work would not have been done

or would have not looked easy to do without Nancy's contribution to her country. As she departs the Congress after years of service, we wish her well and know that America is stronger overseas in part due to the service of Nancy Bloomer.

HONORING AMERICAN AUTOMOBILE ASSOCIATION FOR 100 YEARS OF SERVICE AND FOR TAKING AN ACTIVE ROLE IN THE SAFETY OF AMERICANS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. SIMPSON. Mr. Speaker, I rise to congratulate AAA on 100 years of serving Americans. On March 8 in my home state of Idaho, the Oregon-Idaho AAA office will hold a grand opening for its brand new building in Boise.

When AAA started 100 years ago, America was starting to emerge as a technological trendsetter. Alexander Graham Bell was experimenting with electricity and the light bulb. The Wright Brothers were jumping off hilltops to attempt flight. Henry Ford was beginning his own company to replace horse and cart with steel and wheels. This was the environment in which AAA began—an inventor's paradise—where good ideas became life-altering institutions.

In 1902, American motorists needed better roads, so nine regional auto clubs in Chicago took on the task. Since then, AAA has expanded its mission from helping kids and parents know the life-saving value of car seats, to developing signature roadside service, to the famous TripTik maps to travel discounts. AAA also continues to fight for better roads for safer Americans.

AAA in Idaho has a long history as well, starting in 1920. In fact, the new 14,000 square foot building is named after Richard "Dick" Navarro, AAA Idaho's President from 1981 to 1993.

Congratulations AAA on 100 years of serving Idaho and for taking an active role in the safety of Americans. Your outstanding work is appreciated and shows by your 48 million loyal members.

COMMEMORATING ELIZABETH BUFFUM CHACE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. LANGEVIN. Mr. Speaker, I come before you to recognize the accomplishments of a great person in Rhode Island history, Elizabeth Buffum Chace. A controversial figure in the 19th century because of her progressive views on slavery and women's suffrage, Chace has since earned immense respect in Rhode Island for her determination and willingness to fight for just causes. Today, in celebration of her great deeds, the state honors Elizabeth Buffum Chace by placing a statue of her on permanent display in the State House.

The dedication of the Elizabeth Buffum Chace statue comes as the result of an extensive search conducted by the Rhode Island

Commission to Memorialize the Contributions of All Rhode Island Women, which was established in May 2001 to address the notable lack of female figures in the State House statuary. After reviewing thousands of nominations, the Commission selected Chace for her many contribution to Rhode Island, and I wish to recognize some of her notable achievements.

Born in 1806 in Smithfield, Elizabeth Buffum was raised as a Quaker. Her life was strongly molded by the values of independence and simplicity instilled in her by her family. Her passion for justice first became evident in the 1830s when she campaigned against slavery. Founder of the Fall River Anti-Slavery Society, she mounted a door-to-door campaign to further the abolitionist cause, and she and her husband, Samuel Chace, often hid fugitive slaves in their home. So passionate was Chace about abolitionism that she ultimately severed ties with her beloved Quaker roots because the religion would not strengthen its position against slavery.

Upon returning to Rhode Island, Chace continued her anti-slavery efforts and also spoke out in favor of women's suffrage and temperance—two of her greatest passions. As one of the founders of the Rhode Island Women's Suffrage Association, she objected to the political and social subjugation of women and advocated the admission of women to Brown University. Additionally, she tackled the unpopular issues of homelessness and prison reform, simultaneously making enemies and progress. Throughout these campaigns, she never neglected her family and was a caring and dedicated mother to her ten children. She maintained her strong spirit until her death in 1899 at the age of 93, having written an article just one year earlier for the *Women's Journal*, a suffrage newspaper.

Chace is certainly an apt choice as the first Rhode Island woman honored by a State House statue, though I am confident that today merely marks the beginning of a greater trend in recognizing remarkable women in the halls of the Rhode Island Capitol. I wish to thank my good friend, Secretary of State Edward Inman, for his vision and leadership in trumpeting the accomplishments of women in our great state, and I look forward to working with him on other important initiatives to enhance the civic pride of all Rhode Islanders.

PAYING TRIBUTE TO CHARLIE GALLAGHER

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. MCINNIS. Mr. Speaker, it is a great honor to recognize an extraordinary man whose kindness and good deeds embody the spirit of Colorado, and this nation. Charlie Gallagher is a pillar of the Denver, Colorado community, but the impact of his contributions reaches beyond the city to touch the entire state. In recognition of Charlie's many accomplishments and philanthropic generosity, the Ancient Order of Hibernians chose him as the 2002 Irish Person of the Year. This is a distinguished achievement that recognizes the dedication and commitment of an individual to his or her community. As Charlie celebrates this achievement, I would like to take this opportunity

to acknowledge his kindly spirit before this body of Congress.

Charlie Gallagher has overcome numerous obstacles in his life and has used his experience to help others overcome similar circumstances. He started out in an inner-city Irish neighborhood in Toledo, Ohio, living in a house where ten family members shared one bathroom and three bedrooms. The grandson of Irish immigrants, Charlie's family instilled in him the values of education, hard work and determination. It is this foundation which Charlie used to found Gallagher Enterprises LC, an extraordinarily successful private equity firm in Colorado. Like many Americans, Charlie rose from hardship to prosperity, but has remained true to his roots. He has adopted the motto, "if you've been blessed and if you've been lucky, you gotta give back". He has lived his life accordingly.

Charlie funded the establishment of several buildings and additions for many educational institutions, ranging from grade school to higher education institutions, in his home state of Ohio. For almost twelve years, he has supported over 100 students from underprivileged backgrounds by providing them with full tuition, room and board. Beginning this year, Charlie has pledged to fully fund 100 students at Denver's Metro State College for five years. In addition to his philanthropic contributions, Charlie continues to serve his community as a board member of the Metropolitan State College of Denver Foundation, Denver Area Council of Boy Scouts of America, the Catholic Foundation for the Archdiocese of Denver and the National Jewish Medical & Research Center. He is a Trustee of the Irish Community Center and the Vice Chairman of the Denver Art Museum. In addition, he helped to raise \$50 million for the art museum and was instrumental in securing city bonding for the museum's expansion. To continue his generous support of the community, Charlie and his family frequently donate their time, money, and energy through the Gallagher Family Foundation of the Denver Foundation. This organization gives generously to numerous causes every year and serves as a model for philanthropic foundations throughout the nation.

Mr. Speaker, Charlie Gallagher is an extraordinary individual and it is my pleasure to bring forth his accomplishments and generosity before this body of Congress, and this nation. Charlie's life serves as an example for anyone who has ever faced and overcome adversity in their life. Charlie, thank you for all you have done for the State of Colorado and good luck in your future endeavors.

ON INTRODUCTION OF BILL TO IMPROVE IMPLEMENTATION OF NATIONAL FIRE PLAN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to improve the way the federal government is working to reduce the risk of wildfire damage in the most vulnerable communities of Colorado and other states.

The bill is cosponsored by my colleague from Colorado, Representative JOEL HEFLEY

and my close colleague from New Mexico, Representative TOM UDALL. We have worked closely in its development and I greatly appreciate their support.

The bill deals with the fuel-reduction program that is a key part of the National Fire plan. Under that program, the land-managing agencies remove brush and other material that can fuel high-intensity fires through techniques such as burning ("prescribed fires"), mechanical thinning, vegetation control (such as defensible space around homes and buildings) or timber removal.

I have supported that program, but have had some questions about the way the Forest Service, the Bureau of Land Management, and the other land-managing agencies have been implementing it. So, I joined a number of our colleagues in the House and Senate in asking the General Accounting Office (GAO) to review the steps the agencies have taken so far to see if improvements should be made.

GAO has now completed that review and submitted a report that includes a number of recommendations. This bill would require that those recommendations be adopted. I am attaching a fact sheet that outlines the main provisions of the bill, as well as the "Results in Brief" portion of the GAO report.

The GAO highlighted the need for two things—more and better interagency coordination, and better focus on identifying and responding to the highest-risk communities in the wildland/urban interface area.

Improvements in these matters are important nationally, but they are particularly important for Colorado and other western states. That is because Colorado, like other Western states, has been experiencing ever more growth and development in and near forested areas. We are seeing more people, structures and investments placed at risk.

It is this increasing risk to people and property—increasing because of growth as well as because of the unnatural forest conditions that we have created in many forests in Colorado through decades of fire suppression policies—that led to my interest in focusing on questions of wildlife management. And two particular things then lead me to take action.

First, I took a tour of an area west of Boulder, Colorado, called Winiger Ridge. It is near an area where there was a major forest fire in 1989. Following that fire, a number of citizens, along with the Forest Service and Boulder County officials, got together to find a way to reduce the danger of a repetition of such a dangerous blaze. That group's efforts ultimately led to the identification of conditions that lead to wildfire risks and the recommendation that some steps be taken to reduce that risk. The Winiger Ridge area was chosen as a location to explore some of these techniques—which involve some mechanical thinning and some controlled burning. When I toured this area and learned of the issues and the proposed strategy, I was struck by the condition of the forest—a condition of dense stands of small diameter trees—and, more importantly, I was very concerned about the homes and families that reside within this area. These homes and families are literally in the path of a possible major fire that could be devastating.

It was important to identify this Winiger Ridge area because soon after my tour of it, another fire arose there in the summer of 2000, called the Walker Ranch fire. That fire

threatened a number of mountain homes just west of Boulder. However, no structure was damaged because treatment with prescribed fire and vegetative thinning resulted in conditions that led the fire to drop to the ground and be more easily controlled. Had this not been done in previous years, the fire could have been much more devastating.

That fire, and other devastating fires in Colorado and throughout the west, was the second event that strongly affected my thinking about this subject. I was interested in what I might do to address the problem and to try to lessen the dangers to our communities in ways that still recognized the need for sound management of forest lands and proper protection for their most sensitive areas.

An early opportunity came when the House took up the appropriations bill for the Forest Service for fiscal year 2001. Reviewing the bill as it came to the floor, Representative Hefley and I were struck by the fact that the Appropriations Committee was proposing to reduce the funding for the wildland fire management account by some \$4 million. In response, we offered an amendment to restore that funding that was approved by the House by a solid vote of 364 to 55.

Then, after consulting a number of experts, I developed and introduced a bill intended to focus directly on our situation here in Colorado. It was cosponsored by Representative HELFLY and by Representative TANCREDO and DEGETTE as well. To put it in its simplest terms, our bill was intended to promote and facilitate efforts like the Winiger Ridge project, and thus help reduce the risk of a repeat of this past fire season, in the parts of Colorado that are at greatest risk of such disasters. That bill was not enacted itself, but its main principles were included in the fuel-reduction part of the National Fire Plan. And I have continued to work to make sure that this important fuel-reduction work was done the right way and in the right places.

Since then, I have strongly supported the appropriation of funds for this purpose—but I have been concerned Congress has not done enough to spell out appropriate guidelines for their use, such as staying away from wilderness and roadless areas and ensuring that the projects are carefully targeted to protect the people who are at greatest risk from wildfires.

We need to be very careful not to overcompensate for past shortcomings in working to reduce fuels. Fire is a natural part of our forests and eliminating fire from the landscape—as we tried to do for many years—was a big part of what produced the situation we now have. But the risks to people, property and the environment from creating this unnatural condition should not be used to justify a wholesale return to nearly-unrestricted timber cutting, as some seem to want.

We need instead to have a careful, appropriate program of fuel reduction that is based on good science and focused where it is most needed—on the at-risk communities in the wildland/urban interface. The purpose of this bill is to help make that a reality.

FACT SHEET ON BILL TO IMPROVE IMPLEMENTATION OF NATIONAL FIRE PLAN

The scale and intensity of forest fires in 2000 made that fire season one of the worst in 50 years. In response, the Agriculture and Interior Departments revised fire-management policies and congress approved increases in funding accompanied by policy directives.

This combination of policies and directives is known as the National Fire Plan.

A major part of the plan is reduction of hazardous fuels, in order to lessen the intensity of future fires. The primary agencies doing this work on federal and tribal lands are the Forest Service, the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs. Methods used include burning ("prescribed fires"), mechanical thinning, vegetation control (defensible space), and timber cutting.

The fire plan calls for giving priority to fuel-reduction projects that will reduce the risk to communities in the "wildland/urban interface" (where development borders or intermingles with forested areas).

GAO REPORT

GAO reviewed the implementation of the fuel-reduction part of the National Fire Plan and reported the results in January, 2002 with several recommendations for improvements. This bill is based on that GAO report.

THE BILL

Purpose.—The purpose of the bill is to improve implementation of the fuel-reduction aspects of the National Fire Plan in the wildland/urban interface.

What the Bill Does.—The bill would:

Require Interior and Agriculture Departments to establish an interagency council to coordinate fire plan implementation, as recommended by GAO.

Require the coordinating council to develop consistent criteria to identify communities in the wildland/urban interface at most risk from fire, as recommended by GAO. The council would have 180 days to do this.

Require development of a comprehensive long-term strategy for implementing the National Fire Plan, with quantifiable annual and long-term performance measures to assess progress in reducing risks to most vulnerable communities.

Require the coordinating council to collect data needed to enable Interior and Agriculture Departments to determine best ways to use removed fuel materials, as recommended by GAO.

Require the coordinating council to consult with State, local, and tribal officials and provide for public comments.

Require that fuel-reduction work give priority to communities in the wildland/urban interface most at risk.

Require a progress report from Interior and Agriculture Departments no later than one year after enactment.

RESULTS IN BRIEF

Our work has shown that a single focal point is critical for efforts—such as reducing severe wildland fires and the vegetation that fuels them—that involve many federal agencies as well as state and local governments, the private sector, and private individuals. However, over a year after the Congress substantially increased funds to reduce hazardous fuels, the federal effort still lacks clearly defined and effective leadership. Rather than a single focal point, authority and responsibility remain fragmented among Interior, the Forest Service, and the states. In a December 2001 report for the Department of the Interior, the National Academy of Public Administration recommended that, to provide the required leadership, the Secretaries of the Interior and of Agriculture should establish an interagency national council to implement the Federal Wildland Fire Management Policy as well as hazardous fuels reduction and other key elements of the National Fire Plan, such as fire suppression.

A sound framework to ensure that funds appropriated to reduce hazardous fuels are

spent in an efficient, effective, and timely manner is needed. Such a framework is grounded in federal wildland fire management policies, the National Fire Plan, and Congressional direction. This framework includes, among other things, (1) consistent criteria to identify and prioritize wildland-urban interface communities within the vicinity of federal lands that are at high risk from severe wildlands fires; (2) clearly defined and outcome-oriented goals and objectives, as well as quantifiable long-term and annual performance measures, to assess progress in reducing the risks of severe wildland fires in wildland-urban interface areas as well as in other areas; (3) a comprehensive long-term strategy that incorporates the criteria, goals, objectives, and measures; and (4) yearly performance plans and reports. However, just as leadership for reducing hazardous fuels is fragmented among Interior, the Forest Service, and the states, so too is implementation of a performance accountability framework. As a result, (1) high-risk communities have not been identified and prioritized, (2) multiple strategies have been developed with different goals and objectives, (3) quantifiable indicators of performance have not been developed to measure progress in reducing risks, and (4) annual plans and reports that have been developed do not describe what will be accomplished with the appropriated funds. Therefore, it is not possible to determine if the \$796 million appropriated for hazardous fuels reduction in fiscal years 2001 and 2002 is targeted to the communities and other areas at highest risk of severe wildland fires.

Federal land management agencies do not have adequate data for making informed decisions and measuring the agencies' progress in reducing hazardous fuels. These processes require accurate, complete, and comparable data. The infusion of hundreds of millions of dollars of new money for hazardous fuels reduction activities for fiscal years 2001 and 2002 and the expectation of sustained similar funding for these activities in future fiscal years accentuate the need for accurate, complete, and comparable data. However, the five federal land management agencies have not initiated the research needed to better identify and prioritize wildland-urban interface communities within the vicinity of federal lands that are at high risk from wildland fire. Moreover, the agencies are not collecting the data required to determine if changes are needed to expedite the project-planning process. They are also not collecting the data needed to measure the effectiveness of efforts to dispose of the large amount of brush, small trees, and other vegetation that must be removed to reduce the risk of severe wildland fire.

We agree with the National Academy of Public Administration that an interagency national council is needed to provide the strategic direction, leadership, coordination, conflict resolution, and oversight and evaluation necessary to ensure that funds appropriated to implement the hazardous fuels reduction, as well as other elements of the National Fire Plan, are spent in an efficient, effective, and timely manner. However, even though the September 2000 National Fire Plan—prepared at the request of the President of the United States—directed them to establish a similar Cabinet-level coordinating team, the Secretaries of the Interior and of Agriculture have not done so. Therefore, we suggest that the Congress consider directing the Secretaries to immediately establish the council. In addition, we suggest that the Congress consider directing the Secretaries to consolidate under the council the current fragmented implementation of a sound performance accountability framework. We also recommend that the Secretaries of the Interior and Agriculture gather

the data to make more informed decisions and to measure the agencies' progress in reducing hazardous fuels. The departments of Agriculture and the Interior generally agreed with our recommendations. However, they were concerned that we had not given them enough credit for several actions taken or underway related to enhancing inter-agency leadership; establishing a framework to ensure that funds appropriated to reduce hazardous fuels are spent in an efficient, effective, and timely manner; and undertaking adequate research and data collection efforts. Where appropriate, we have included reference to these activities.

TRAIN ATTACK IN INDIA REACTION TO HINDU REPRESSION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. TOWNS. Mr. Speaker, we were all disturbed to read about the attack on a train full of Hindus in the village of Godhra in India. It is always disturbing to see this kind of sectarian violence.

The Gujarat Samachar reported that the train was carrying high-level activists of the militant, pro-Nazi Vishwa Hindu Parishad, a branch of the Rashtriya Swayamsewak Sangh (RSS), which is also the parent organization of the ruling BJP. They were taunting the villagers with slogans about building a Hindu temple on the site of the most revered mosque in India, which was destroyed by the BJP some years ago.

In another village, Daahod, they got tea and snacks and did not pay for them. They knocked over a vendor's stall, according to the article, and deliberately picked a fight with a man who was helping the vendor, beating him, pulling his beard and committing other acts to humiliate him. His 16-year-old daughter tried to stop them from harming her father. They grabbed her and took her on the train, according to the article. After a crowd gathered to try to rescue her from the VHP, they slammed the windows shut with the girl inside the train. Out of their frustration and anger over this action, some villagers began to burn the train.

No one condones the killing of these Hindus, even if they were militants, but I hope none of my colleagues justifies the killing of Muslims that has erupted in response while the police have stood by and let it happen. The militant Hindu nationalists want to make a Hindu society in India, and they can justify actions like these in the name of that cause, but there is no justification.

If this is how democracy and secularism are practiced in India, then it should not receive any American aid or trade. We should also acknowledge that the only way to end this kind of violence is to support independence for all the peoples and nations of South Asia. It is time for India to begin acting like a democracy and allow the peoples living under their rule to

enjoy self-determination. It is time for a plebiscite on independence.

[From Gujarat Samachar, Mar. 3, 2002]

TRUTH ABOUT THE TRAIN INCIDENT

(By Anil Soni and Neelam Soni)

The tragic incident of Sabarmati Express that occurred today at 7:30 am at about 1 km away from Godhra railway station has thrown a question mark to those people who claim to be secular or liberal. Many aspects & facts have been ignored & which I would like to bring to your notice.

Compartment (Bogey) no S-6 & two other compartment of the Sabarmati Express was carrying the kar sevaks of the V.H.P. (Vishwa Hindu Parishad). And it was due to these kar sevaks from bogey no S-6 that the incident occurred.

The actual story didn't start from Godhra as being told everywhere but it started from a place from Daahod, a place that comes 70-75 km before Godhra railway station. At about 5:30-6:00 a.m. the train reached Daahod railway station. These kar sevaks, after having tea & snacks at the railway stall, broke down the stall after having some argument with the stall owner and they processed back to the departing train. The stall owner then field on N C against kar sevaks at the local police station about the above incident.

Then about 7:00-7:15 am the train reached Godhra railway station. All the kar sevaks came out from their reserved compartments and started to have tea and snacks, at the small tea stall on the platform, which was being run by an old bearded man from the minority community. There was a servant helping this old man in the stall.

The kar sevaks on purpose argued with this old man and then bate him up & pulled his beard. This was all planned to humiliate the old man since he was from the minority community. These kar sevaks kept repeating the slogan, "Mandir Ka Nirmaann Karo, Babuer Ki Aulad to Baahar Kar". (Start building the Mandir and throw the sones of Babur i.e. the Muslims out of the country.)

Hearing the chaos, the daughter (16) of the old man who was also present at the station came forward & tried to save her father from kar sevaks. She kept pleading & begging to them to stop beating her father and leave him alone. But instead of listening to her woes, the kar sevaks lifted the young girl and took her inside their compartment (S-6) and closed the compartment door shut. Their intention behind this act is best known to them.

The train started to move out of the platform of Godhra railway station. The old man kept banging on the compartment doors and pleaded to leave his daughter. Just before the train could move out completely from the platform, two stall vendors jumped into the last bogey that comes from the guards cabin. And with the intention of saving the girl they pulled the chain and stopped the train. By the time the train halted completely, it was 1 km away from the railway station.

These two men then came to the bogey in which the girl was and started to band at the door and requested the kar sevaks to leave the girl alone. Hearing all these chaos, people vicinity near to the tracks started to gather towards the train. The boys and the mob (that also included women) that had

now gathered near the compartment requested the kar sevaks to return the girl back. But instead of returning the girl, they started closing their windows. The infuriated the mob and they retaliated by pelting stones at the compartment.

The compartment-adjointing compartment S-6 on both sides contained kar sevaks of the V.H.P. These kar sevaks were carrying banners that had long bamboo stick attached to them. These kar sevaks got down and started attacking with bamboo sticks on the mob gathered to save the girl.

These was like adding insult to injury for the crowd gathered and their anger was now uncontrollable. The crowd started to bring diesel and petrol from trucks and rickshaws standing at the garages Signal Fadia (a place in Godhra) and burnt down the compartment. They don't bring the fuel from any petrol pump as being reported everywhere nor was this act of burning pre-planned as being mentioned by many people but it happened all of a sudden out of sheer frustration and anger.

After hearing about this incident, members of V.H.P. (Vishwa Hindu Parishad) living in that area started burning down the garages in Signal Fadia, they also burnt down Baddshah Masjid, (Mosque), at Shehra Bhagaad (small area in Godhra). Reliable resources have reported all these information and facts to their information and me cannot be doubted. I would also mention my sources namely Mr. Anil Soni and Neelam Soni (reporter of Gujarat Samachar, also members of P.T.I. & A.N.I.) have worked hard to dig the true facts and they duly deserve words of appraisal for their hard work. Mr. Soni's mobile number: 0-9825038152. Resident number 02672 (code) 43153, office number: 43152, fax number: 45999.

Due to no proper substantial and circumstantial evidence and the late arrival of the Police at the scene of crime frustrated the Police. Which resulted in harassment and arrests in innocent local people living in Godhra. Furthermore the police started blaming the Mayor of Godhra, Mr. Ahmed Hussain Kalota for incident. Mr. Kalota who is the member of the Indian National Congress is also a lawyer. This blaming on Congressmen was also done to humiliate, defame and demoralize the Congress. The V.H.P.'s plan is to weaken the country by planning internal conflicts between communities and bring a backwardness of 100 years in the country. Sorry to say but they are carrying out their plans successfully without the fear of being stopped by anyone. No one but only the innocents will have to bear the consequences of their plans.

It is our humble request and prayers to all the members of Parliament along with the Prime Minister, and the entire media circle to try and stop the sparks of a fire to gulp down the whole country in flames to take some auction against the kar sevaks of the V.H.P. (Vishwa Hindu Parishad) before they get out of hand and stop harassing the innocents and catch the real miscreants and culprits.

We lay our request in front of you with folded hands and hearts filled with theirs for the death of innocents and anger for the wrongdoers. We hope our request and efforts will not deafened or blind-eyed.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1737–S1798

Measures Introduced: Five bills were introduced, as follows: S. 2006–2010. **Page S1782**

Energy Policy Act: Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto: **Pages S1743–75**

Adopted:

Craig Amendment No. 2995 (to Amendment No. 2917), to direct the Secretary of Energy to carry out a program within the Department of Energy to develop advanced reactor technologies and demonstrate new regulatory processes for next generation nuclear power plants. **Pages S1743–44**

Dorgan Amendment No. 2993 (to Amendment No. 2917), to provide for both training and continuing education relating to electric power generation plant technologies and operations. **Page S1744**

Murkowski/Daschle Amendment No. 2996 (to Amendment No. 2917), to provide for rural and remote community development block grants. **Page S1745**

Pending:

Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute. **Page S1743**

Feinstein Amendment No. 2989 (to Amendment No. 2917), to provide regulatory oversight over energy trading markets. **Page S1743**

Levin Amendment No. 2997 (to Amendment No. 2917), to provide alternative provisions to better encourage increased use of alternative fueled and hybrid vehicles. **Pages S1745–49**

A unanimous-consent agreement was reached providing for further consideration of Levin Amendment No. 2997 (listed above), at 11:30 a.m. on Wednesday, March 13, 2002, with a vote to occur thereon; followed by the consideration of certain amendments to be proposed. **Page S1797**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Wednesday, March 13, 2002. **Page S1797**

Appointment:

American Folklife Center/Library of Congress: The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–201, as amended by Public Law 105–275, appointed Dennis Holub, of South Dakota, as a member of the Board of Trustees of the American Folklife Center of the Library of Congress, vice Janet L. Brown, of South Dakota.

Page S1797

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the Agreement Between the Government of the United States of America and the Government of Australia on Social Security; to the Committee on Finance. (PM–73)

Page S1781

Transmitting, pursuant to law, the Periodic Report on Telecommunications Payments Made to Cuba pursuant to Treasury Department Specific Licenses; to the Committee on Foreign Relations. (PM–74)

Page S1781

Nominations Confirmed: Senate confirmed the following nomination:

By unanimous vote of 98 yeas (Vote No. Ex. 46), Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska.

Pages S1737–40, S1798

Nominations Received: Senate received the following nominations:

5 Air Force nominations in the rank of general.
1 Army nomination in the rank of general.

Page S1798

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:

Major General Charles F. Bolden, Jr., United States Marine Corps, to be Deputy Administrator of the National Aeronautics and Space Administration, which was sent to the Senate on February 26, 2002.

Page S1798

Executive Communications: **Pages S1781–82**

Executive Reports of Committees: **Page S1782**

Additional Cosponsors: **Pages S1782–83**

Statements on Introduced Bills/Resolutions:**Pages S1783–92****Additional Statements:****Pages S1780–81****Amendments Submitted:****Pages S1792–97****Notices of Hearings/Meetings:****Page S1797****Authority for Committees to Meet:****Page S1797**

Record Votes: One record vote was taken today. (Total—46)

Page S1740

Adjournment: Senate met at 10:30 a.m., and adjourned at 7:49 p.m., until 9 a.m., on Wednesday, March 13, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1798).

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—STATE

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary concluded hearings on proposed budget estimates for fiscal year 2003 for the Department of State, after receiving testimony from Colin L. Powell, Secretary of State.

CLONING AND MEDICAL RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine cloning research, focusing on the clarification of how stem cell research, or therapeutic cloning, differs from human reproductive cloning, the ethical and public-policy issues related to both, and how best to achieve a balance in cloning legislation, after receiving testimony from former Senator Mack, on behalf of the H. Lee Moffitt Cancer Center and Research Institute; and Silviu Itescu, Columbia University Presbyterian Medical Center/New-York Presbyterian Hospital, Gerald D. Fischbach, Columbia University Departments of Health Sciences and Medicine, and Kevin Kline, all of New York, New York.

MILITARY OPERATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing on current military operations from officials of the Joint Staff.

Committee recessed subject to call.

DEFENSE AUTHORIZATION

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities concluded hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on special operations military capabilities, operational requirements,

and technology acquisition, after receiving testimony from Gen. Charles R. Holland, USAF, Commander-in-Chief, and Harry E. Schulte, Acquisition Executive, Special Operations Acquisition and Logistics Center, both of the U.S. Special Operations Command.

U.S. ECONOMY

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings on the economic outlook of the United States, focusing on foreign economic policy, energy policy, and social security, after receiving testimony from Robert M. Solow, Massachusetts Institute of Technology, Cambridge; Joseph E. Stiglitz, Columbia University, and David R. Malpass, Bear, Stearns and Company, both of New York, New York; and Alan B. Krueger, Princeton University, Princeton, New Jersey.

FIRST RESPONDER INITIATIVE

Committee on Environment and Public Works: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2003 for the First Responder Initiative, which would provide the Federal Emergency Management Agency with funding for State and local police, firefighters, and emergency medical professionals planning, equipment, training, and exercise programs, to enhance homeland security, after receiving testimony from Joe M. Allbaugh, Director, Federal Emergency Management Agency; Woodbury P. Fogg, Belmont, New Hampshire, on behalf of the National Emergency Management Association; Ed Wilson, City of Portland Bureau of Fire, Rescue and Emergency Services, Portland, Oregon; Michael E. O'Neil, South Burlington Fire Department, South Burlington, Vermont; and Kenneth E. Zirkle, University of Findlay, Findlay, Ohio.

ENVIRONMENTAL ENFORCEMENT

Committee on Environment and Public Works: Subcommittee on Superfund, Toxics, Risks, and Waste Management concluded hearings to examine the status of the Environmental Protection Agency's (EPA's) environmental enforcement program, including inspections and investigations, enforcement personnel, and an overview of the Office of Enforcement and Compliance Assurance, after receiving testimony from Eric Schaeffer, Rockefeller Family Fund, New York, New York, former Director, EPA's Office of Regulatory Enforcement; Scott H. Segal, Bracewell and Patterson, Washington, D.C.; and Barry L. Johnson, Emory University Rollins School of Public Health, Atlanta, Georgia, on behalf of the Physicians for Social Responsibility Environment and Health Program.

WELFARE REFORM

Committee on Finance: Committee held hearings to examine the reauthorization of the Temporary Assistance for Needy Families (TANF) program, created by the Welfare Reform Law of 1996, focusing on child care funding, welfare to work transitional Medicaid coverage, child support payment taxation, marriage promotion, and TANF waivers, receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services; Robin Arnold-Williams, Utah Department of Human Services, Salt Lake City, on behalf of the American Public Human Services Association; Rodney J. Carroll, Welfare to Work Partnership, Washington, D.C.; and Gordon L. Berlin, Manpower Demonstration Research Corporation, New York, New York.

Hearings recessed subject to call.

NOMINATIONS

Committee on Governmental Affairs: Committee ordered favorably reported the nominations of Jeanette J. Clark, to be an Associate Judge of the Superior Court of the District of Columbia, and Louis Kincannon, of Virginia, to be Director of the Census, Department of Commerce.

HOMELAND SECURITY

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services concluded hearings on S. 1800, to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies, after receiving testimony from former Representative Hamilton, on behalf of the Woodrow Wilson Center for International Studies; Donald J. Winstead, Assistant Director for Compensation Administration, Office of Personnel Man-

agement; Sheri A. Farrar, Assistant Director, Administrative Services Division, Federal Bureau of Investigation, Department of Justice; Ruth A. Whiteside, Acting Director General of the Foreign Service and Director of Human Resources, Department of State; Ginger Groeber, Acting Deputy Assistant Secretary of Defense for Civilian Personnel Policy, and Harvey A. Davis, Associate Director, Human Resources Services, National Security Agency, both of the Department of Defense; Susan S. Westin, Managing Director for International Affairs and Trade, General Accounting Office; and Ray T. Clifford, Defense Language Institute, Monterey, California.

HEALTH CARE AND THE UNINSURED

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health held hearings to examine solutions to the problem of uninsured Americans, including proposed legislation that would amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, allow parents of disabled children to purchase Medicaid coverage, and allow for insurance coverage subsidies, and building upon existing public programs, such as the Children's Health Insurance Program (CHIP) and Medicaid programs, receiving testimony from Mark B. McClellan, Member, White House Council of Economic Advisors; Alan R. Weil, Urban Institute, Karen Pollitz, Georgetown University Institute for Health Care, Research and Policy, Cindy Mann, Kaiser Commission on Medicaid and the Uninsured, and Ronald F. Pollack, Families USA, all of Washington, D.C.; and Vip Patel, eHealthInsurance, Inc., Sunnyvale, California.

Hearings recessed subject to call.

NOMINATION

Committee on Small Business and Entrepreneurship: Committee ordered favorably reported the nomination of Melanie R. Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration.

House of Representatives

Chamber Action

Measures Introduced: 16 public bills, H.R. 3924–3949; 1 private bill, H.R. 3950; and; 7 resolutions, H.J. Res. 85; H. Con. Res. 345–348, and H. Res. 364–365 were introduced. **Pages H832–33**

Reports Filed: Reports were filed today as follows:

H.R. 2341, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, and to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, amended (H. Rept. 107–370);

A Citizens's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (H. Rept. 107–371);

H.R. 1712, to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, amended (H. Rept. 107–372);

H.R. 2146, to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, amended (H. Rept. 107–373).

H. Res. 366, providing for consideration of H.R. 2146, to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children (H. Rept. 107–374); and

H. Res. 367, providing for consideration of H.R. 2341, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, and to allow the application of the principles of Federal diversity jurisdiction to interstate class actions (H. Rept. 107–375). **Page H832**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Ballenger to act as Speaker pro tempore for today. **Page H787**

Guest Chaplain: The prayer was offered by the guest Chaplain, Dr. David F. Russell, National Chaplain of the American Legion, Spotsylvania, Virginia. **Pages H791–92**

Recess: The House recessed at 1:03 p.m. and reconvened at 2 p.m. **Page H791**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Born-Alive Infants Protection Act of 2002: H.R. 2175, to protect infants who are born alive; **Pages H787–88, H792–97**

Enhanced Border Security Act: H. Res. 365, providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885, to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings. The title was amended so as to read “An Act to enhance the border security of the United States, and for other purposes.” (agreed to by a yea-and-nay vote of 275 yeas to 137 nays, Roll No. 53); **Pages H797–H810, H817**

District of Columbia College Access Act Technical Corrections: H. Res. 364, providing for the concurrence of the House with amendment in the Senate amendments to H.R. 1499, to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act (The title was amended by the Senate so as to read: “An act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.”); and **Pages H810–13**

100th anniversary of the Bureau of the Census: H. Con. Res. 339, expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment. **Pages H813–16**

Recess: The House recessed at 3:57 and reconvened at 6:30 p.m. **Page H816**

Presidential Messages: Read the following messages from the President:

Payments to Cuba: Message wherein he transmitted a semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses—referred to the Committee on International Relations; and **Page H816**

Agreement between the United States and Australia on Social Security: Message wherein he transmitted the agreement between the United States and Australia on Social Security signed at Canberra on September 27, 2001—referred to the Committee on Ways and Means and ordered printed (H. Doc. 107–186). **Page H816**

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appear on page H817. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:10 p.m.

Committee Meetings

LABOR, HHS AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on Substance Abuse Mental Health Services, and the Administration on Aging. Testimony was heard from the following officials of the Department of Health and Human Services: Charles G. Curie, Administrator, Substance Abuse and Mental Health Services Administration; and Josefina G. Carbonell, Assistant Secretary, Aging, Administration on Aging.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans Affairs, Housing and Urban Development and Independent Agencies held a hearing on EPA. Testimony was heard from Christine Todd Whitman, Administrator, EPA.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Special Oversight Panel on Morale, Welfare and Recreation held a hearing on the fiscal year 2002 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of Defense: Charles S. Abell, Assistant Secretary (Force Manage-

ment Policy); Lt. Gen. Charles S. Mahan, Jr., USA, Deputy Chief of Staff (Logistics), Department of the Army; Lt. Gen. Michael E. Zettler, USAF, Deputy Chief of Staff (Installations and Logistics), Department of the Air Force; Lt. Gen. Gary L. Parks, USMC, Deputy Commandant (Manpower and Reserve Affairs) Headquarters, U.S. Marine Corps and Rear Adm. Christopher W. Cole, USN, Director, Ashore Readiness Division, both with the Department of the Navy; Maj. Gen. Robert J. Courter, USAF, Director, Defense Commissary Agency; Read Adm. Steve W. Mass, USN, Commander, Navy Exchange Service Command; Maj. Gen. Charles J. Wax, USAF, Commander, Army and Air Force Exchange Service; Brig. Gen. Michael Downs, USMC (Ret.), Director, Personnel and Family Readiness Division, Headquarters, U.S. Marine Corps; John Molino, Deputy Secretary, (Military Community and Family Policy); Brig. Gen. Antonio M. Taguba, USA, Commanding General, U.S. Army Community and Family Support Center, Department of the Army; Rear Adm. Annette E. Brown, USN, Assistant Commander, Navy Personnel Command, Department of the Navy; Arthur Meyers, Director, Air Force Services, Department of the Air Force; and Brig. Gen. Michael Downs, USMC (Ret.), Director, Personnel and Family Readiness Division; and public witnesses.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Subcommittee on Military Research and Development held a hearing on the fiscal year 2003 National Defense Authorization budget request. Testimony was heard from public witnesses.

WELFARE AT WORK

Committee on Education and the Workforce: Subcommittee on 21st Century Competitiveness held a hearing on “Welfare at Work: Ties Between TANF and Workforce Development.” Testimony was heard from Sigurd Nilsen, Director, Health, Education and Human Services Division, GAO; Gary Gardner, Acting Director, Department of Workforce Services, State of Utah; and a public witness.

REGULATORY ACCOUNTING

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on “Regulatory Accounting: Costs and Benefits of Federal Regulations.” Testimony was heard from John D. Graham, Administrator, Office of Information and Regulatory Affairs, OMB; Thomas M. Sullivan, Chief Counsel, Advocacy, SBA; and public witnesses.

COMBATING TERRORISM

Committee on Government Reform: Subcommittee on National Security, Veterans Affairs, and International Relations held a hearing on "Combating Terrorism: Protecting the United States—Part 1." Testimony was heard from Frank Keating, Governor, State of Oklahoma; Henry L. Hinton, Managing Director, Defense Capabilities and Management, GAO; and public witnesses.

COMBATING ILLEGAL GAMBLING REFORM AND MODERNIZATION ACT

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action, as amended, H.R. 3215, Combating Illegal Gambling Reform and Modernization Act.

OVERSIGHT—FOREST SERVICE PROGRAM BUDGET

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Fiscal Year 2003 Forest Service Program Budget. Testimony was heard from Dale N. Bosworth, Chief, Forest Service, USDA.

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Committee on Rules: Granted, by voice vote, an open rule on H.R. 2146, Two Strikes and You're Out Child Protection Act, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule provides that the amendment in the nature of a substitute shall be considered open to amendment at any point. The rule allows the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner.

CLASS ACTION FAIRNESS ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 2341, Class Action Fairness Act of 2001, providing one hour of general debate equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute rec-

ommended by the Committee on the Judiciary now printed in the bill be considered as an original bill for the purpose of amendment. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against such amendments. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Frank, Nadler, Lofgren and Waters.

WELFARE REFORM—PLAN TO BUILD ON SUCCESSES

Committee on Ways and Means: Held a hearing on the Administration's Plan to Build on the Successes of Welfare Reform. Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of March 11, 2002, p. D206)

H.R. 2998, to authorize the establishment of Radio Free Afghanistan. Signed on March 11, 2002. (Public Law 107-148)

**COMMITTEE MEETINGS FOR WEDNESDAY,
MARCH 13, 2002**

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Housing and Urban Development, 9:30 a.m., SD-138.

Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce, 10:30 a.m., SD-116.

Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2003 for the Library of Congress and the Congressional Research Service, 10:30 a.m., SD-124.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense Health Program, 9:30 a.m., SR-232A.

Subcommittee on Strategic, to hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on Ballistic Missile Defense acquisition policy and oversight, 2:30 p.m., SR-222.

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings on the implementation of the Transportation Equity Act for the 21st Century (105-178), 10 a.m., SD-538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of Robert Watson Cobb, of Maryland, to be Inspector General, National Aeronautics and Space Administration, 2:30 p.m., SR-253.

Committee on Environment and Public Works: to hold hearings to examine the economic and environmental risks associated with increasing greenhouse gas emissions, 9:30 a.m., SD-406.

Committee on Foreign Relations: to hold hearings on the nomination of Robert Patrick John Finn, of New York, to be Ambassador to Afghanistan, 5 p.m., SD-419.

Committee on Governmental Affairs: to resume hearings to examine public health and natural resources, focusing on implementation of environmental laws, 9:30 a.m., SD-342.

Select Committee on Intelligence: to hold closed hearings to examine pending intelligence matters, 2:30 p.m., SH-219.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine the worldwide connection between drugs and terrorism, 10 a.m., SD-226.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Farm and Foreign Agricultural Services, 9:30 a.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, State and Judiciary, on Supreme Court, 10 a.m., and on Small Business Administration, 2 p.m., H-309 Capitol.

Subcommittee on Defense, on Defense Transformation, 9:30 a.m., H-140 Capitol.

Subcommittee on Energy and Water Development, on Department of Energy-Science, Nuclear Energy and Renewable Energy, 10 a.m., 2362B Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on Administrator of Agency for International Development, 10 a.m., 2359 Rayburn.

Subcommittee on Interior, on Forest Service, 10 a.m., B-308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on National Institutes of Health Fiscal Year 2003 Budget Overview, 11 a.m., 2358 Rayburn.

Subcommittee on Military Construction, on Housing Privatization, 9:30 a.m., B-300 Rayburn.

Subcommittee on Transportation, on FAA, 10 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on GSA, 10 a.m., H-144 Capitol, and on U.S. Postal Service, 2 p.m., 2359 Rayburn.

Subcommittee on Veterans Affairs, Housing and Urban Development, and Independent Agencies, on Office of Science Technology Policy, 9:30 a.m., and on Department of Defense-Civil, Cemeterial Expenses, Army, 10:30 a.m., H-143 Capitol.

Committee on Armed Services, hearing on the fiscal year 2003 Department of Energy budget request, 10 a.m., 2118 Rayburn.

Subcommittee on Military Personnel, hearing on the fiscal year 2002 National Defense Authorization budget request, 2 p.m., 2212 Rayburn.

Subcommittee on Military Readiness, hearing on competitive sourcing/outscouring/A-76 and strategic sourcing, 2 p.m., 2118 Rayburn.

Committee on the Budget, to mark up Fiscal Year 2003 Budget Resolution, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on Education Reform, to mark up H.R. 3801, Education Sciences Reform Act of 2002, 10:30 a.m., 2175 Rayburn.

Subcommittee on Employer-Employee Relations, hearing on "Assessing Mental Health Parity: Implications for Patients and Employers," 3 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "The 2003 Budget: A Review of the HHS Health Care Priorities," 10 a.m., 2322 Rayburn.

Committee on Financial Services, hearing on H.R. 3763, Corporate and Auditing Accountability, Responsibility, and Transparency Act of 2002, 10 a.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Affairs, hearing on "The Use and Abuse of Government Purchase Cards," 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Europe, hearing on U.S. and Europe: The Bush Administration and Transatlantic Relations, 1 p.m., 2200 Rayburn.

Committee on Resources, oversight hearing on the National Academy of Science Interim Report on Endangered and Threatened Fishes in the Klamath River Basin, 10 a.m., 1334 Longworth.

Committee on Science, Subcommittee on Energy, hearing on the Energy Pipeline Research, Development, and Demonstration Act, 2 p.m., 2318 Rayburn.

Subcommittee on Research, hearing on the NSF Budget: How Should We Determine Future Levels? 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing on "Subsidy Rate Calculation: Unfair Tax on Small Business," 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on Port Security: Shipping Containers, 2 p.m., 2154 Rayburn.

Subcommittee on Water Resources and Environment, hearing on the Water Quality Financing Act of 2002, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the Department of Veterans Affairs Information program, with a review of VA's integrated systems architecture plan, Veterans Benefits Administration's VETSNET program, information security, Veterans Health Administration's Decision Support Systems, and the Government Computer-Based Patient Record Program, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following: Committee Budget Views and Estimates for Fis-

cal Year 2003 for submission to the Committee on the Budget; and H.R. 3669, Employee Retirement Savings Bill of Rights, 1:30 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Technical and Tactical Intelligence, executive, hearing on Unmanned Vehicle Programs, 2 p.m., H-405 Capitol.

Joint Meetings

Conference: meeting of conferees on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011, 4 p.m., HC-5 Capitol.

Next Meeting of the SENATE

9 a.m., Wednesday, March 13

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, March 13

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 9:30 a.m.), Senate will continue consideration of S. 517, Energy Policy Act.

At 11:30 a.m., Senate will continue consideration of Levin Amendment No. 2997 (to Amendment No. 2917), with a vote to occur thereon at approximately 11:50 a.m.

House Chamber

Program for Wednesday: Consideration of H.R. 2341, Class Action Fairness Act of 2002 (structured rule, one hour of debate).

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